

# LAW ENFORCEMENT NEWS

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## New image, wrong message

While a more military-style uniform that includes boots and washable fatigues has gotten rave reviews from officers, some experts and even Metropolitan Police Department officials are concerned that the new look is sending out the wrong message.

Beginning in February, Chief Charles Ramsey authorized officers and sergeants in patrol units to wear the so-called battle dress uniforms, or BDUs, for a six-month trial period. The District is one of the only departments in the country to allow line officers to patrol in the paramilitary garb; most reserve the uniforms for their tactical teams or canine units.

The advantage to the BDUs is their comfort, say officers. Traditional uniforms made of heavy, polyester blends that have to be dry-cleaned do not allow for the freedom of movement that the new clothes do. And the older style was also more prone to damage, they said.

"It's like wearing church attire to do police work," said Officer Rich Khoury.

At a cost of \$75, including the hat — a cap styled after the ones used by the U.S. Marine Corps — and police patch, the new outfit costs about \$38 less than the old uniform. It is available in 100 percent cotton or a cotton/polyester blend.

There's "never a time on the street when I would rather have that [old] uniform on," Officer Kenneth Daniels told *The Washington Post*. "I think that this is the perfect uniform for us."

Continued on Page 12

## Old habits die hard

### Atlanta's underreporting of crime has deep roots

An audit of the Atlanta Police Department's 2002 crime-incident reports has found the agency to have underplayed by more than 3 percent the number of felony offenses that year, but such data manipulation appears to be nothing new. According to the auditors, it has been ongoing for at least a decade.

The report by an outside consulting firm, which was released in February, had been ordered by Chief Richard Pennington, who shocked and angered city officials when he called Atlanta "the most dangerous city in America."

Despite its reputation as the "Capital of the New South" and last year's anointment by *Forbes* magazine as one of the top five American cities for business and careers, Atlanta is troubled. Its violent crime rate in 2002 was twice the average of cities of similar size, according to the audit. With 435,494 residents, Atlanta has a violent crime rate of 2,289.1 per 100,000 residents. Second and third on that list were St. Louis and Tampa.

Atlanta also beat out Detroit and Baltimore, two other large cities with entrenched reputations for violent crime. Its rate of violent offenses, according to the audit, is nearly two-thirds higher than New York's and roughly 40 percent higher than that of Los Angeles.

The city in 2002 had the nation's seventh worst homicide rate, and the single worst robbery rate — more than five times the national average. It ranked 41st in terms of rapes, even when the underreporting of such crimes was taken into account.

The New York-based consulting group of Linder & Associates examined a year's worth of Atlanta crime reports for proper classification and documentation, and found 3,337

crime reports that should have been coded as Part I offenses as per the FBI's Uniform Crime Reporting system, but were not. There were also 1,767 crime reports that were coded as serious offenses but should not have been. After offenses were properly reclassified, reported Part I crimes in the city increased by 3.2 percent, or 1,570 offenses.

After the audit, rapes were 17.8 percent higher than previously reported; robberies 2 percent higher and aggravated assaults 10 percent higher.

When auditors tried to verify the disposition of 911 calls through call-backs, they found that up to 17,670 Part I incidents did not have reports filed, nor were they given to the FBI for statistical tracking. In addition, a review of incidents that had been coded to indicate that officers had filed reports found that 22,256 incident reports did not show up in the APD computer. Of those, 4,281 could be reports of major felonies, the audit found.

"We're seeing more and more of this massaging of data in places, and I think the more the pressure is put on commanders to

come up with good stats, the more and more we're seeing this," said Eli Silverman, a professor of criminal justice at John Jay College of Criminal Justice, and the author of *"NYPD Battles Crime: Innovative Strategies in Policing,"* (Northeastern University Press, 2001).

"I don't think it necessarily has to happen," Silverman observed in an interview with *Law Enforcement News*, "but unless you have in place good auditing procedures on an ongoing basis, not just periodically, but checking all the time — not just internal people, but external people — on how the reporting is done...there's always this potential for misuse."

In addition to the audit, the consulting firm also traced the roots of the department's policies and practices with regard to statistics back to the years prior to the 1996 Olympics. At that time, the consultants said, a concerted effort was made to reduce reported crime in the hopes of improving the city's chance for selection as the Olympic site. Those efforts then

Continued on Page 10

## Comparing Social Security, DMV data — a bad move?

### NYS effort would lead to license suspensions

Given the permeability of the Social Security Administration's database, the attempt by New York State to ferret out fraud and inaccuracies in its motor-vehicle department files by comparing information contained in both sources is quixotic at best, according to an expert on identity theft.

In March, the Department of Motor Vehicles began sending the first 112,000 of

about a half-million warning letters to drivers whose data does not match up. By the time the project is completed, at a cost of roughly \$740,000, at least 150,000 licenses are likely to be suspended, according to Raymond P. Martinez, the state Commissioner of Motor Vehicles.

The letters warn drivers that they have 15 days to contact the DMV and clear up any discrepancies by providing verifiable documents, including a Social Security card. So far, 3.2 million records have been cleaned up, with another 7.8 million to go, including non-driver state IDs and learner's permits, officials say. The response rate to the letters is running at about 68 percent.

While the DMV has maintained that it is conducting the data sweep as a way of correcting errors in its system, immigrant groups have charged that its real purpose is to eliminate the driver's licenses of those unable to prove their legal residence in the U.S.

"It has horrible consequences for immigrant workers who are just trying to make a living," said Goun Sadhwani, executive director of the New York Civic Participation Project, an immigrant and labor union advocacy group, told *The New York Times*. "It's yet another way that local federal officials are criminalizing immigrants."

Judith Collins, an associate professor of criminal justice at Michigan State University, said that while she did not know the motive for the sweep, the method the motor-vehicle agency has chosen is odd.

"I think it's rather a strange way to do it

Continued on Page 10



## All aboard

The newest member of the Broward County, Fla., sheriff's fleet, a high-tech 41-foot Rigid Inflatable Boat, zips through the water during a demonstration run recently. Along with 16 other boats, the RIB, christened the Deputy Philip G. Billings, patrols Port Everglades and coastal and inland waters.



# AROUND THE NATION

## NORTHEAST



**MASSACHUSETTS** — Boston police rescued Wanda Nunes, 43, from the grip of her 7-foot per Burmese python, after the snake clamped around her and started squeezing. Nunes thinks that the snake must have smelled the rats that she planned to feed it and lunged for her arm. The police were able to pry the snake off of the woman and put it back in its cage.

**NEW JERSEY** — A Morris County grand jury will decide whether William Rhode III should be indicted after allegedly visiting five nursery schools dressed in pink stretch pants and a diaper and asking for work. Rhode, a 53-year-old paroled sex offender who says he is incontinent, allegedly soiled himself after being refused a job at one of the schools. He faces charges of trespassing, harassment and endangering the welfare of a child.

**NEW YORK** — Jeff Frayler, the president of the Police Benevolent Association in Suffolk County, said recently that police should make exceptions for fellow officers and their families and not ticket them for speeding or other traffic violations. County Executive Steve Levy had previously issued an executive order forbidding his staff to possess law enforcement cards to help them get out of tickets.

New police statistics show that 121 homicides were recorded in New York City for the first quarter of the year, down from 130 in the same period last year. Police Commissioner Raymond Kelly said that the 7 percent decline was a tribute to the "outstanding work being done by our police officers and their supervisors."

Syracuse police were thwarted in their attempts to search a drug suspect's car when "Stinky" the pet squirrel refused to give ground. The squirrel kept running around inside the vehicle and eventually dug its claws into the seats. Police called animal control but they refused to respond because they don't pick up wildlife. The car was eventually towed away, squirrel and all.

The Camillus Police Department's Emergency Services Team will be made available to Onondaga County while the county's own SWAT team is in stand-down mode. Police Chief Lloyd Perkins said that Camillus's team, while not as extensive as the county's, is trained to handle surveillance, barricaded individuals, building searches and looking for missing children. The Manlius Police Department's tactical unit will also be made available to the county.

Two New York City police officers and a parole officer were spared serious injury after nearly being struck by a 16-pound bowling ball that was hurled from a 17th floor balcony at a Brooklyn apartment building. When they went upstairs to the apartment where the ball came from, 69-year-old Douglas Suff said that the ball "slipped." The officers, however, said that Suff had binoculars around his neck and had another bowling ball lined up. They also found several empty beer cans and rum bottles. Just prior to the incident, Suff had called 911 to

report a robbery and asked that police be sent to investigate. Suff was awaiting arraignment on second-degree attempted murder charges.

**PENNSYLVANIA** — Bradford County sheriff's deputies Michael Vankuren and Christopher M. Burgert were shot and killed March 31 while trying to serve a warrant on a convicted felon. The deputies went to a junkyard where 27-year-old Dustin F. Briggs was said to be to serve the warrant and apprehend another person on a felony drug charge. Sheriff's deputies were joined by state and local police and the FBI to search for Briggs.

**RHODE ISLAND** — Legislation supported by State Police Superintendent Steven M. Pare would require that a three-member review panel abide by the agency's decisions on disciplining officers. The panel, which is authorized by the state Law Enforcement Officers' Bill of Rights, would have to agree to the penalty imposed by agency officials unless it seemed "arbitrary and capricious." Pare submitted the bill after his attempt to fire trooper Eve Marani, who admitted to drunk driving and assaulting another agency's officers, was overturned by the review panel.

Major crime in Pawtucket dropped by 11 percent last year, with declines in every offense category except murder and rape. Most notable were the 18 percent drop in burglaries and the 15 percent decrease in car thefts, both of which Police Chief George L. Kelley III attributed to increased police bike patrols and more vigilant neighborhood watch groups.

**VERMONT** — Bennington County sheriff's deputy Vincent Pagan was arrested March 31 while on duty for a drug violation and a drug-related murder that occurred in New York City. Sheriff Gary Forrest said that Pagan's background check didn't raise any red flags because at the time of his hiring he was only a suspect in the case.

## SOUTHEAST



**ALABAMA** — Attalla police are taking very seriously a chemical bomb that exploded in Mayor Charles O'Rear's mailbox and a bomb threat made at the jail. Police Chief Joe W. Hereford said that no chemical agents were detected in the air after the explosion at the mayor's house. O'Rear said the residue on the mailbox smelled like household cleaners.

**FLORIDA** — Three Hispanic Miami officers were convicted April 1 following a retrial on federal charges that they were part of a 1995 plot to cover up guns planted after two black suspects were shot to death. Lawyers for the three called the convictions "a mob lynching" and said changes in the 11-member jury were racially motivated. Originally, the jury had three blacks and three Hispanics, but the judge eventually had to excuse two Hispanics and one white, and two alternates were called back five days into deliberations.

**GEORGIA** — A report by the Fulton

County internal auditor has cited several reasons why Sheriff Jackie Barrett is suspected of being involved in fraudulent investment actions. Byron Rainner, the Florida man with whom Barrett invested \$5 million of public funds from the sale of foreclosed property, has been described as a "rogue agent" with MetLife. Barrett, who has since relinquished control of the foreclosure fund, recently announced that she would not seek reelection.

**LOUISIANA** — New Orleans Police Superintendent Eddie Compass said that a 10-year-old federal investigation of the department and its practices has been concluded. The investigation began after several officers were arrested. The FBI helped effect an overhaul of the NOPD's internal affairs division.

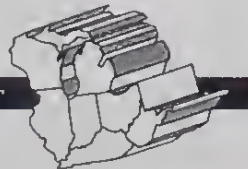
Alexandria Police Chief Daren Coutee is doing away with his department's mounted division because of a shortage of cash and personnel. The \$70,000 horse barn, which was only completed two years ago, may be used for training police dogs.

**SOUTH CAROLINA** — Under a bill being considered by the House, those convicted of violent crimes would have a special code put on their driver's licenses to identify them as felons. Representative Phil Sinclair (R-Spartanburg) said that in recent years, 10 officers have died at traffic stops after unknowingly intercepting a felon.

**TENNESSEE** — Michael Harvey, the 16-year-old son of Loudon County assistant district attorney Frank Harvey, killed sheriff's deputy Jason Scott March 12, and then took his own life after barricading himself in his home. The confrontation started after officers responded to a domestic violence complaint from the boy's mother. The boy allegedly attacked her with a pipe when she wouldn't let him drive to school. Sheriff Tim Guider said that responding officers did not know there were any weapons in the house.

Legislators are considering a proposal to tax illegal drugs like marijuana, methamphetamine and cocaine. The tax, which would vary by drug, would be paid by anyone caught in possession of the drugs. Those who step forward to pay the tax voluntarily — not something that is generally expected to happen often — would be granted confidentiality by the Department of Revenue. The drugs would then get a tax stamp and anyone found with drugs not carrying the stamp would have to pay. The revenue would be split between the Tennessee Bureau of Investigation and local law enforcement agencies.

## MIDWEST



**INDIANA** — After the discovery of a woman's body at an abandoned truck stop near Indianapolis, police say there are similarities to a string of murders in the Southwest. Hendricks County Sheriff's Lt. Clarke Fine said that the slaying was similar to those of seven women in Arkansas, Texas, Oklahoma and Mississippi. Their bodies were also found nude and dumped along highways. Police believe the women may

have been murdered by a man who targets prostitutes working at truck stops.

**MICHIGAN** — Michigan State Police officials have ordered an investigation into the Oxford Police Department for allegedly misusing the Law Enforcement Information Network system. State police say that a dispatcher with the Oxford department gave out information from the database to a member of the general public.

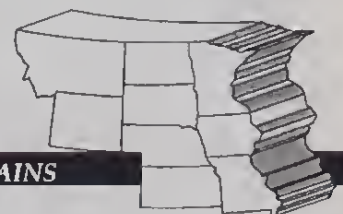
Religious leaders in Detroit held a "Precinct Day of Prayer" on April 5 in response to a wave of violence that has claimed over 100 lives so far this year. The prayer initiative was one of several responses from the community, government and the police department following a surge in violence that in January alone resulted in 35 deaths, and the fatal shooting of two police officers at a traffic stop in February. Project Crusaders, a multi-agency task force recently announced by the police department, will target criminals in the city's most afflicted neighborhoods.

**OHIO** — Cincinnati prosecutor Michael Allen will not file charges in a case in which officers were seen on videotape repeatedly striking a 350-pound black man with a nightstick while taking him into custody. The man, Nathaniel Jones, died after the incident, in which he had knocked over one officer and repeatedly ignored police orders to stay back. Jones suffered from an enlarged heart and obesity and had PCP, cocaine and methanol in his bloodstream.

Carol Woolf, who had agreed to let her 16-year-old son get paddled as part of a diversion program, is suing the part-time police chief of Fowler Township. Woolf said that she agreed to the diversion program after Chief James Martin told her that her son's participation would make his speeding ticket "go away." However, after the boy came home from the first session, distraught and covered with welts, she refused to let him return. Martin, who has been suspended, had been disciplined by Howland Township — where he is a full time police officer — more than a decade ago after he admitted to paddling juveniles.

**WISCONSIN** — As part of a new initiative to improve children's school attendance, Milwaukee police on March 15 arrested two parents for their children's truancy. Police Chief Nan Heggerty had sent a letter to 86 parents who were ticketed for truant children but hadn't paid their tickets. They were told that a warrant had been issued for their arrest. In addition to the two who were arrested, two turned themselves in. The arrests were the first of their kind in the Milwaukee district, where 46 percent of students were considered truant in the last school year.

## PLAINS



**MINNESOTA** — A Hennepin County judge ruled April 3 that a Minneapolis ordinance that prohibits begging is unconstitutional. The law was challenged by a homeless man who was ticketed last November after he approached vehicles at an intersection with a sign in his hand.



# Putting Utah cops "back in business"

## Law reverses referendum, reopens pipeline of asset-forfeiture funds

A Utah lawmaker says he has "put the cops back in business" with legislation amending a 2000 ballot initiative that banned law enforcement from receiving funds from asset forfeitures.

Under SB175, which was passed by both the House and Senate in March by wide margins and subsequently signed into law by Gov. Olene S. Walker, roughly \$1 million in state forfeiture money that had gone to a Uniform School Fund would return to police, as would an estimated \$4 million to \$6 million in federal forfeiture funds that have been held in reserve by the Justice Department.

Initiative B was passed four years ago by an overwhelming 69 percent of voters. The initiative was financed in large part by billionaire George Soros, who was one of three businessmen whose donations got the referendum on the ballot. Officials claim that voters were duped into believing that they were protecting the rights of innocent property owners.

Only \$1,000 of the \$750,000 spent on

the Initiative B campaign was raised in Utah, according to Senator D. Chris Butters, who sponsored the amending legislation.

"They used... a little group here called Accountability Utah," he told Law Enforcement News. "They're a small little group, but they're loud. They despise law enforcement. They sold Initiative B wrapped in the blanket of 'we have to make sure there's no illegal seizure of property from innocent citizens.' Now everyone believes that."

Butters added that the referendum was a step in the direction of drug legalization.

Less than two years after Initiative B passed, drug interdictions in the state ground to a halt, according to officials who spoke with LEN in 2002. The law, they said, created an environment in which police were afraid to make seizures which, if done improperly, could triple punitive damages against their agencies.

"What kind of chilling effect did that have?" asked Kirk Torgenson, deputy state attorney general, in an earlier interview. [See LEN, Oct. 15, 2002.]

Moreover, money from forfeitures that had been used for drug buys was baoned under Initiative B. Police could no longer use drug-related dollars for enforcement efforts, but had to wait for appropriations.

"It put up a big sign: Drug Trafficking in Utah Pays," said Butters. "Nobody really realized what had happened until after."

In addition to returning asset forfeiture dollars to law enforcement, the bill makes other amendments to the law.

"One of their howls, that they just screamed like a mashed cat, is that the cops get this money," said Butters.

To satisfy critics, the measure diverts the funds into a restricted account held by the state Commission on Criminal and Juvenile Justice for a crime-reduction assistance program. Law enforcement agencies may apply for grants, but cannot use the money to pay salaries or benefits. And at the end of the year, Butters said, they must make a progress report to the Senate Criminal Justice Committee. "It really brings some balance to it," he said.

The law also provides more protection for the innocent holders of property who might not have known that their car or home was being used by another owner for the purpose of selling drugs.

It also ensures that seizures are proportionate to the crime committed.

"You stop me and I have a joint in the car, you can't take my car," said Butters.

But just as determined to see that Initiative B remains just as it are groups like Utahans for Property Protection. The organization unsuccessfully tried to have a referendum placed on the November ballot that would have given voters the choice of either accepting or rejecting SB175. The group was unable to meet an April 12 deadline for collecting more than 76,000 petition signatures statewide, and will instead focus on ousting from office the lawmakers who voted for Butters's bill.

Andy Stavros, the attorney retained by the group, told The Associated Press: "People are pretty outraged at the fact that SB175 was passed, in my opinion."

## Weapons stockpiles:

# ATF data traces retail origins of crime guns

Nearly 15 percent of the guns recovered in crimes during a recent five-year period were traceable to just one-tenth of 1 percent of the nation's gun stores, according to analysis by a Washington-based gun-safety group.

In its report "Selling Crime," the Americans for Gun Safety Foundation reported that 54,694 of the 373,006 guns traced by the Bureau of Alcohol, Firearms, Tobacco and Explosives during 1996 through 2000 came from 120 stores in 22 states. Half of those dealers were in five states: Illinois, Indiana, Maryland, Virginia and Georgia. There are approximately 80,000 stores licensed to sell guns in the United States.

"There are a very tiny number of gun dealers who are associated with a huge number of crime guns in America," said Jim Kessler, the foundation's policy director.

Kessler, who co-authored the study, said there was nothing to indicate that the dealers had done anything illegal, or that they knew they were selling to criminals. Still, the organization has called on Congress and Attorney General John Ashcroft to put the 120 stores on a watch list.

"If a few fast-food chains were responsible for 15 percent of food poisoning cases in the nation, there is little doubt that government would take steps to alert citizens about which restaurants were responsible," said Kessler. "Known high crime dealers are being shielded from public scrutiny rather than investigated by the government. We are naming names and calling for a watch list because Americans have a right to know what stores are arming criminals in their community."

The data were compiled by the ATF in response to a lawsuit brought against the gun industry by the NAACP in 1999. The agency was required to provide the names of all gun dealers with at least 25 firearms traces between 1996 and 2000 from handguns and assault weapons recovered from crimes where there was some evidence of gun trafficking, according to a report by The Miami Herald.



Guns, guns and more guns — of which a disproportionate number of those used in crimes originate in a tiny fraction of the nation's gun stores.

Earlier studies by the ATF have shown that less than 1 percent of gun dealers in the United States were the source of nearly 57 percent of weapons traced to crimes.

Each of the 120 stores on the foundation's list had a minimum of 200 crime gun traces; six had more than 1,000; and two more than 2,000 traces. Of these, 96 stores remain open; only one-quarter have been audited by the ATF in the past three and one-half years, the report said. When those stores have been inspected, they are three times as likely to have committed violations as other stores.

In 18 of the 24 stores that were audited by the ATF, inspectors found violations ranging from failure to keep proper records to selling firearms to prohibited individuals. Seven stores, according to the study, had more than five violations apiece.

The store said to be the nation's single largest supplier of guns traced to crimes is Chuck's Guns in Riverside, Ill. Some 2,370 weapons were traced there between 1996 and 2000.

Don's Guns & Galleries Inc. in Indianapolis was a close second on the list, with 2,294 guns traced to it during the five-year period covered by the study. Weapons that were sold by the store were said to have been involved in at least seven homicides, 12 assaults, two robberies, and 370 additional

gun crimes. Between October 2001 and January 2002, a gun trafficker used straw purchasers to buy 25 handguns and then resold them in Chicago.

In fact, Indiana was found to have more gun stores that sell firearms used in crimes than any other state. Fourteen appear on the report's list of "high-crime gun dealers" — seven in the Indianapolis area, and seven more in Porter and Lake counties in the northwestern part of the state.

Prosecutions are rare, according to the study. In the 22 states that 29,418 dealers call home, no cases were filed against gun stores in 2002. The number of federal cases brought against unscrupulous dealers has dropped by 25 percent since the last year of the Clinton administration.

Gun dealers and federal agents have disputed the meaning of the figures.

Pat Berarducci, an ATF spokesman in Chicago, called it good news that a higher percentage of weapons used in crimes is being tracked. It indicates that guns stores are following the law and completing the necessary forms, he told The Columbus Dispatch.

Doug Vance, owner of Vance's Shooters Supplies in Columbus, said the numbers in the report are distorted. The store was 28th on the foundation's list, having sold 556 guns recovered from crimes.

"You have to take into account volume," Vance told The Dispatch. The guns in question, he said, make up one-half of 1 percent of the 80,000 firearms sold at his store in the years leading up to the period studied. "And a good portion of our business is selling to law enforcement."

The report ranked Ohio sixth in the nation in the number of prosecutions of people who lied on background-check forms when buying a firearm between 2000 and 2002, or an estimated 16,000 customers.

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# Seattle refines response to domestic violence

Seattle police appear to have wasted no time in addressing some of the domestic violence issues brought to light by a recent study that assessed the city's criminal-justice response to battering.

While Seattle's domestic-violence system still has gaps, it remains among the best in the country, according to a draft report by the Seattle Domestic Violence Council, which was released in January. The assessment was drawn from police reports, municipal court case files, interviews with law enforcement and domestic-violence advocates, and court hearings.

"This is sort of a self-examination of where we are currently," Sheila Hargesheimer, director of the city's Domestic and Sexual Violence Prevention Office, told *The Seattle Post-Intelligencer*.

Among the study's findings was that the police department lacked clear guidelines on how officers track and locate suspected batterers who have left the scene. Also, police reports were said to be often incomplete.

Capt. Neil Low, who heads the police department's domestic violence unit, said that the agency was at work on a number of these problems. Last November, the department completed mandatory training for all officers in report taking on domestic violence calls, he told *The Post-Intelligencer*. But he conceded that other areas still need work.

The issue of suspects who take off before police arrive is "a tough one," he said. "We're going to have to take a look at that."

Another tough one is the issue of confiscating firearms. "No one has a clue yet how to respond effectively to that," said Hargesheimer.

Those convicted of domestic-violence crimes are prohibited under both state and federal law from possessing firearms, but there is no system in place to enforce those laws. And when those weapons are confiscated, the questions of where to store them, and whether or not search warrants are required, remain.

Some city officials have taken issue with the study's figures. Judith Shoshana, director of the city attorney's domestic-violence unit, called misleading a finding that the city attorney's office failed to file charges in 60 percent of the cases examined, and dismissed charges 80 percent of the time.

While cases are sometimes dismissed, Shoshana said, prosecutors often will pursue convictions against defendants with multiple charges even if it means having to drop a charge. In other cases, she told *The Post-Intelligencer*, the office believes that a charge filed as a misdemeanor should be handled in Superior Court as a felony.

"I disagree with the methodology and conclusions, particularly with respect to the Municipal Court being soft on domestic-violence crimes," said Municipal Court Judge Ron Mamiya, who disputed the report's data. Researchers, he said, drew conclusions from just 46 cases out of the 1,600 prosecuted in that court annually.

"If there was a reasonable sample, you would not be able to justify that statement," the judge said.

City Councilman Richard Conlin said it would be a mistake to call that assessment invalid simply because of the sample taken. "That ignores the tremendously significant findings," he said.

In neighboring Pierce County, where

Tacoma's police chief, David Brame, fatally shot his wife and then killed himself last April, the county's first "domestic-violence kiosk" was established in January.

Located at Gig Harbor City Hall, the computer will allow users to get temporary protection orders without driving to the County-City Building in Tacoma. Requests will be signed quickly by a Superior Court commissioner and delivered to alleged abusers. Depending on how busy the Tacoma office is, the order could be signed within minutes.

"We're pretty much looking at the same day," said Craig Roberts, a domestic violence coordinator for the county.

The temporary restraining orders are good for two weeks. A hearing for a more permanent order would follow in Tacoma.

While the Brame case emphasized the need for the kiosk, it did not prompt the move, Roberts told *The Tacoma News-Tribune*. The convenience of it might draw more people who need the service, but were reluctant to ask for help before, he said.

To ensure that people do not seek orders of protection as revenge against an innocent person, or as a prank, court officers will verify the identity of petitioners, and all requests will be made under oath, as they are in court. Officials hope to open other kiosks in Lakewood and East Pierce County soon,

said Roberts.

In Natrona County, Wyo., meanwhile, officials have taken steps to make sure that serious allegations of domestic abuse do not fall to the bottom of the pile.

Under a policy implemented in January, the district attorney's office will review new domestic violence cases the first thing each morning. This will also help prosecutors be better prepared when defendants make their initial court appearances in the afternoon.

The change was prompted by a case involving a pregnant woman who was beaten until she went into labor on Dec. 6. Her alleged attacker, Donald Eugene Shaw, is also accused of beating her as they were headed home from the hospital after the birth of the child.

The mother called police on Dec. 11 to report the earlier events. When a newspaper reporter called the courts about charges after seeing Shaw's name on the jail roster, it was learned that Shaw had not been arrested for domestic violence. In fact, Shaw was released on unrelated charges because prosecutors had not had a chance to examine the domestic violence report or issue a formal warrant, according to District Attorney Mike Blonigen.

While the Shaw case was serious, Blonigen said, "when it comes over in a stack of paperwork that might be 3 or 4 inches

thick, it doesn't necessarily stand out, unless somebody brings it to your attention."

Charges of felony aggravated assault and misdemeanor assault and battery were filed as soon as the incident was brought to his attention, said Blonigen.

In Maryland, the sheriffs' association recently printed nearly 70,000 new domestic violence safety cards for statewide distribution. On one side, the card offers safety tips, while the reverse side includes county specific information, such as hotline numbers.

"Safety cards are accessible to victims through county sheriff's offices, local domestic violence programs and other local law enforcement agencies," said Michael F. Canning, the association's executive director. "This safety card is part of the association's effort to be proactive with issues of public concern."

The wallet-sized card instructs victims to plan an escape in the event of an attack; have photos of injuries taken by a third party, and then keep them in a safe place; hide a spare set of keys, money, extra clothes and prescriptions; keep important documents; and talk to someone trustworthy about the abuse. It also tells them to keep change for pay phones or a prepaid calling card; open a personal bank account; and teach children to call 911.

## Agreements end federal probe of Prince George's County force

A federal probe of the Prince George's County, Md., Police Department that has spanned the terms of three police chiefs is finally over, with officials from the county and the Justice Department signing off on two agreements that call for the appointment of a monitor to oversee the implementation of sweeping reforms.

One of the contracts signed in January, a memorandum of agreement between the county and the federal government, calls for the department to draft a clear use-of-force policy, create a board to review all firearm discharges and thoroughly investigate allegations of officer misconduct, and change its policy on the use of pepper spray. The agency will also be required to develop an early-warning computer database.

The other agreement — a court-enforceable consent decree — concerns only the canine unit. It requires the agency to review every dog bite, train its dogs to bark at suspects to keep them at bay, and maintain a policy that only allows an attack when an officer is about to be harmed.

An independent monitor will be appointed for a two-year period to oversee the department's compliance. Prince George's County is one of just 14 jurisdictions in the country to be under this type of federal supervision.

Although the Prince George's County force has had a reputation for using excessive force that goes back decades, it only became the subject of a federal investigation in 1999 following a string of vicious attacks on subdued suspects by its canine unit. One former canine-unit officer, Stephanie C. Mohr, was sentenced to a 10-year federal prison term in 2001 for allowing her dog to attack an unarmed homeless man.



Melvin High

*Lots done, much left to do*

A broader probe was launched a year later after officers shot 12 people in the space of roughly one year. One of those individuals was Prince Jones, a Howard University student who was pursued into Virginia by an undercover officer and fatally shot in the back five times.

Since 2000, the county has paid \$10 million in jury awards and settlements in brutality suits. From July 1, 2002, to June 30, 2003, it settled 36 lawsuits for officer misconduct and other infractions at a cost of \$1.45 million. During the 2001 and 2002 fiscal years, \$7.9 million was paid in 63 settlements and 12 jury verdicts.

The county still faces a \$40 million civil

suit brought by Jones's family, although the officer who shot him was cleared in an internal review and by Virginia prosecutors.

Eileen Thomas, the chairwoman of the county's Citizen Complaint Oversight Panel, applauded the Justice Department for coming up with a concrete plan and not just dwelling on past wrongs.

"I think this is a great step forward," she told *The Associated Press*. "There's been wrongdoing for years. I'm glad the Department of Justice said 'We're not looking back.'"

The investigation began during the tenure of John S. Farrell. He abruptly resigned from the department in 2002. Farrell was succeeded by Lt. Col. Gerald Wilson, who was made acting chief that year. Several months later, Melvin High, the police chief of Norfolk, Va., assumed command of the agency.

Prince George's County already has a running start on some reforms required under the contracts. For example, in 1999 Farrell adopted the "guard and bark" technique for the canine unit. Other requirements, such as detailed reports on all dog bites, are also already in place.

In the four years since the guard and bark procedure was put in place, just 50 dog bites have been recorded by the canine unit, compared to 800 during a seven-year period during the mid-1980s through the early 1990s.

High said the development of an effective policy for dealing with the mentally ill was another change the department needed to make.

"I believe we have accomplished a great deal," he told *The AP*, "but clearly there is much left to do."



should have been expended, the report said, were earmarked for a parade two days later.

Said O'Toole: "The management team failed the police officers who were out on the street that night in not anticipating either the extent or the behavior of the crowds... My message to the community is the Boston Police Department failed in this instance, and we're very sorry for that."

In the aftermath, O'Toole reshuffled her



**Kathleen O'Toole**  
*The future looks busy*

command staff. Superintendent-in-Chief **James M. Hussey**, who was criticized in the report, was demoted and will resume his civil service captain's rank as commander of the training academy. O'Toole promoted Capt. **James M. Claiborne** to the key position of commanding uniformed officers.

Widely admired by the rank-and-file, Claiborne had been demoted by former commissioner **Paul F. Evans** in 2000 for reasons that remain unclear. Department observers have credited him with moving the agency from the community-policing theory to its practice.

The changes, said O'Toole, are "... just the tip of the iceberg."

Calling herself an "eternal optimist," she said she hopes that one day the Boston Police Department can boast about its high morale. Law enforcement will be a team effort, O'Toole told *The Boston Globe*.

"I want the real focus to be where it belongs, on the Boston Police Department, on the men and women, sworn and civilian, who work day in and day out to make this city a safer place," she said.

## \$10-million send-off

All it took was about \$10 million for a Ventura County, Calif., sheriff's deputy to retire one year earlier than planned.

Deputy **Robert A. Arnold**, 52, was one of two winning ticket holders for a recent California Super Lotto Plus jackpot worth \$42 million. Accepting his share of the prize in one lump sum, Arnold should receive approximately \$10.5 million, minus taxes.

"Right after he claimed the ticket, he turned around and retired," said lottery spokeswoman **Norma Minas**. "He told me, 'I was planning to retire in about a year, but I can retire now.'"

Arnold has been with the agency since it

merged with the Fillmore Police Department in 1987.

He told Minas that he had previously won a "couple of thousand dollars" playing the lottery, but only bought "quick pick" tickets in the Super Lotto Plus game when the jackpot was exceeded \$30 million. Arnold's computer-generated winning combination was 2-17-29-44-47, with 5 as the mega number.

Administrative Sergeant **Ralph Zermeno** said Arnold will be missed. Arnold was one of 30 officers patrolling an area that runs from the Los Angeles County line to Wells Road in Ventura, and up to Ojai, and built a reputation for stopping suspected drunk drivers during his night shift. Arnold's efforts have won him an award from Mothers Against Drunk Drivers.

"He's very good," Zermeno told *The Los Angeles Times*. "He arrests drunk drivers. We're going to miss him dearly."

## Goodbye to Madison

There are no axes to grind, it's just time to go, said Madison, Wis., Chief **Richard Williams**, who resigned in March after a decade-long tenure.

Williams was only the fifth person to lead the department, and the city's first black chief. Lately, his management style had come under criticism from city officials and union leaders who said Williams needed to be a more visible presence.

This was particularly apparent, they said, last Halloween when a celebration on State Street turned destructive. Williams, who chose that time to visit his family in Tennessee, returned after coming under fire from officers who were forced to work mandatory shifts under hazardous conditions.

Williams also could have played a larger



**Richard Williams**  
*Given Madison his best*

role at the 2002 U.S. Conference of Mayors convention, said city officials.

"I'm certain we're not an easy city to be police chief of. We're very active. We're engaged," Alderman **Matt Sloan** of the 13th District told *The Wisconsin State Journal*.

"The public perception, including us at City Hall, is that he's not engaged and it's gotten worse in the last couple of years," added the City Council president, Alderman **Mike Verveer**. "I think a chief should be there front and center — visible."

Williams's management style of delegating authority does not lend itself easily to having a solid public perception, noted Chief **Randy Williams** of the Onalaska Police Department, who is first vice president of the Wisconsin police chiefs association.

"A department head still needs to be visible," he told *The State Journal*. "You want to make sure you have people under you you can trust but you don't want to step on their toes."

Madison's Williams has defended himself

against his critics. "I believe that I've given the best that I can and I believe that I've been a benefit to this department and to this community," he said.

The last few years have been difficult ones for Williams, as well. In 1997, he lost his wife of 35 years to breast cancer, then six months later Williams himself suffered a stroke. His trip to Tennessee last fall, he said, was to attend to a "delicate family matter."

In March, Williams, who had remarried, had his first child with his wife of two years.

And many have praised Williams for continuing the community policing approach launched by his predecessor, **David Couper**.

In 1994, when Williams was hired, the department had roughly 100 fewer officers and all but the South Police District were stationed downtown. Only the East Police District is now without its own headquarters. Ground for a facility there is scheduled to be broken this year.

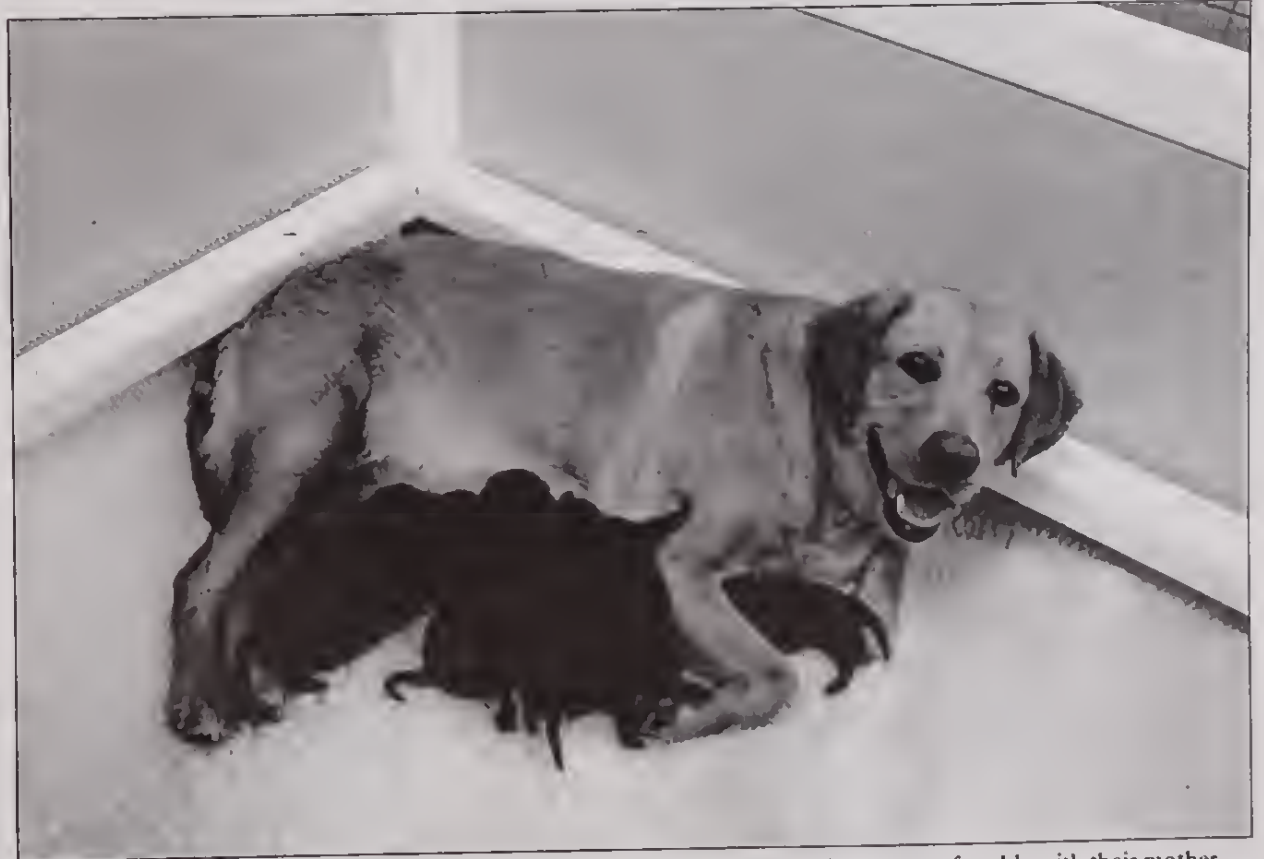
Two internal candidates to succeed Williams have emerged. Assistant Chief **Noble Wray**, and Capt. **Chen Maples**.

"It's a strong department with a strong management group," said **Scott Herick**, attorney for the city's Police and Fire Commission. "There's a deep reservoir within the police management ranks."

Before coming to Madison, Williams served with the Montgomery County, Md., Police Department for 25 years, attaining the rank of major. He resigned after the county executive passed him over for the chief's position.

In 2000, Williams was a finalist for the top job in Seattle. He had earlier declined the chance to pursue the chief's position in Austin, Texas, due to his wife's declining health.

Williams will spend time during the coming year in Asia, where he will help U.S. officials provide basic police leadership and services. But first he will return to Tennessee, where Chattanooga officials hope he will consider being the city's chief.



## It's a bitch

Seven black Labrador Retriever puppies rest comfortably with their mother, Uren, a detector dog with U.S. Customs and Border Protection. The litter, Uren's fourth, was born May 4 at the Canine Enforcement Training Center, as part of the CBP's detector dogbreeding program.



## Man of mystery

Unlike the majority of rock musicians who live to be recognized by their audience, there is at least one drummer in Austin, Texas, who hopes that no one in the crowd knows his true identity. He is not a comic book super hero; he is a cop.

"I've had people come and go 'Where do I know you from?' said **Todd Myers**, a senior police officer who is a veteran of the band Funky Old Soul, and also plays with Undercover, a newly formed all-cop group. "I'm like, 'What'chu talking about, man?'"

While playing, Myers has seen people he has arrested, and some he planned to arrest as part of an undercover investigation. He often wears a disguise on stage.

Undercover was scheduled to perform during the recent convention of the National Citizens' Police Academy Association.

"I have a newfound freedom to rock," said Detective **Nick McMillan**, a guitarist, who joined the band after receiving a promotion to a day-shift job investigating high-tech crimes. He has not performed in 15 years, but said he is ready.

There is something different about playing in a band with officers of different ranks, McMillan noted. The band's other guitarist is McMillan's lieutenant. "The oddity in this band is that we're all involved in some other social hierarchy," the detective said.

But in a place like Austin, with more musicians per square mile than most places in the country, it's no surprise that some people have day jobs in law enforcement, fire fighting and emergency response.

At least a dozen first responders perform in bands throughout the area, according to The Austin American-Statesman.

**Claudia Langford**, a marketing associate at Bass Concert Hall, hired a group called Mundi Ensemble last summer for an event. The band includes **Mario Gonzalez**, a city firefighter.

"That's like everybody in Austin — everybody's an artist," she said.

## Field of dreams

When former baseball player **Kurt Abbott** reported for training in February, it was not to practice swinging a bat.

Abbott, 34, was a shortstop on the Florida Marlins team from 1994 through its 1997 championship season, and has the World Series ring on his finger to prove it. But when his career was cut short last year by a snapped Achilles tendon, he decided it was time to think about life after baseball.

Law enforcement had always been an interest, said Abbott. "I think that the discipline and knowing what it takes, and the hard work I've put into being a good baseball player, I think it takes hard work to be a police officer," he told The Port St. Lucie News.

In February, Abbott began five months of training at the police academy at Indian River Community College, after which he will join the Stuart Police Department. While there might not seem to be much that a professional ballplayer and a police officer

## Putting a Hurtt on Houston policing

*New chief, brought in from Phoenix, to scrutinize use of force*

Houston officials in February hired Phoenix Chief **Harold L. Hurtt** to lead their city's police force, in the hopes that he can bring down its use-of-force rate much the same way he did in Phoenix during his six-year tenure there.

Hurtt served as police chief of the Oxnard, Calif., Police Department before returning to Phoenix, where he began his career 36 years ago. When Phoenix's police shooting rate more than doubled that of Los Angeles and New York in 2003, Hurtt became the first chief in the country to outfit all of his patrol officers with Taser electronic stun guns.

From March 2003 through this year, the number of shootings was cut in half. The 13 that have occurred were the fewest on record since 1990.

Observers say that Hurtt, who took command of the Houston Police Department in April, was likely to scrutinize its use of force.

"Oh, you bet," said Phoenix Assistant Chief **Michael McCort**. "Any police chief would have to do that, because that's the first place you lose the confidence of the community, especially minorities."

The number of police shootings in Houston climbed from 13 in 2002 to 23 last year. Community groups harshly criticized the department's handling of an incident last fall in which two unarmed Latino teenagers were shot.

But that's just one of a number of serious problems the agency has had to contend with in the last few years. Among others have been the shutdown of its DNA lab due to incompetence; a mass arrest at a Kmart that brought a bevy of false arrest suits, and a grand jury investigation of former Chief **C.O. Bradford**



**Harold Hurtt**  
*A reputation for ethics*

for perjury.

Bradford resigned last year to spend more time with his wife, who was expecting the couple's first child.

"I think there are problems in all organizations," said Hurtt, who dropped out in December as a finalist for the chief's job in San Jose, Calif. "Police work is so complex and the job the officers have to do is very difficult as far as making split second decisions and being second guessed all the time... We need to make sure that we do the right things right the first time."

Houston Mayor **Bill White** has given Hurtt a mandate to ensure that deadly force is used only when justified. One of the

policies that Hurtt is expected to take with him to his new department is an openness with regard to police shooting investigations.

**Jake Jacobsen**, the president of the Phoenix police union, said each of their incidents is an "open book" to the public.

"We don't say, 'We'll get back to you in six months after this investigation is completed,' he told The Houston Chronicle. "We provide information to the public and press as it's developed. That's just been a policy around here. Consequently, there's been no feeling from the public of any coverup."

Although they had pressed for a Latino chief, the city's Hispanic leaders are pleased with Hurtt's appointment.

"I think what is going to be important is that, based on what I'm hearing, he is going to address some of the things we as an organization are looking at, such as excessive force, deadly force and [racial] profiling," said **Johnny Mata**, a spokesman for League of United Latin American Citizens (LULAC).

Hurtt, 57, began his career as a Phoenix patrol officer. He comes to Houston with a national reputation for integrity, one that officers who have worked with him say is well deserved.

For example, in 2000 he fired two officers who had been investigated for using excessive force and making untruthful statements to investigators, despite a recommendation from the Disciplinary Review Board that they be suspended for 240 hours.

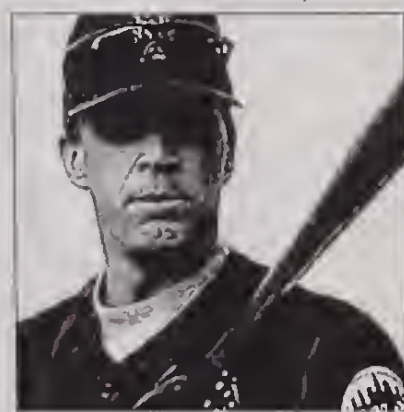
"Police officers, in his mind, hold a very high ethical station in life, and they can't compromise that," said McCort. "And he's always held to that."

have in common, both can be role models to youngsters.

All of the children to whom Abbott teaches his baseball skills know that he is joining the force, he said.

"We're looking for good people," said Sgt. **Marty Jacobson**, a police spokesman. "Hopefully, he will be an asset and role model for kids in the community."

Stuart officers do not make anywhere



**Kurt Abbott**  
*Changing uniforms*

near as much as major-league ballplayers. Abbott's starting salary will be \$31,000 — a substantial cut from the \$650,000 he made with the Marlins in 1997 or his \$1 million salary with the Oakland Athletics in 1998.

But Abbott is still excited about his new job. "That first day of getting in the police car yourself," he said. "Going out there and meeting people and helping people and just doing the right thing for the community."

## Making history

As Boston Mayor **Thomas M. Menino** aptly noted during the swearing-in ceremony of **Kathleen M. O'Toole**, the first woman ever named to lead the nation's oldest police agency, the city that day was not only making history, but preparing for the future.

O'Toole became Boston's 37th police commissioner on Feb. 19 in a middle school auditorium with her mentor, former Boston commissioner and current Los Angeles Police Chief **William Bratton** in the front row. During a career that began on a downtown patrol beat in 1979, O'Toole, 50, has led the 600-member Metropolitan District Commission police force, founded an international consulting firm, and served as secretary of public safety under former Gov. **William F. Weld**.

She holds a bachelor's degree in political science from Boston College, and a law degree from New England School of Law.

When named superintendent of the Metropolitan Police in 1990, O'Toole became the first woman to head a major department on the East Coast.

Her gender was a factor, said Menino, but it was her credentials that got her the post.

"I don't look at color. I don't look at gender. I look to the best person," he said at the press conference that announced O'Toole's appointment.

Said Bratton of his former protégé: "I think at this point in time, she's extremely well suited for the challenges of this organization. Her greatest quality is that she is inspirational. People respond to her spirit, her enthusiasm, her creativity."

And in coming months, she will be called upon to use those gifts.

In addition to a Democratic National Convention that will bring 35,000 people and the focus of the nation to Boston in July, O'Toole must also contend with contract negotiations with four of the city's police unions. Then there is the fallout over the department's handling of post-Super Bowl rioting — an event which led to the death of a 21-year-old man.

Less than one month after her appointment, O'Toole released a blistering report which accused the highest-ranking officers of failing to prepare for the swell of crowds in Kenmore Square after the New England Patriots' Super Bowl victory. Resources that



# Use of force is in the spotlight in Austin

Blacks and Latinos in Austin, Texas, are far more likely than whites to have force used against them by police, according to an analysis of more than 6,000 use-of-force reports filed by officers between 1998 and 2003.

The analysis formed the heart of a four-part series of articles on racial tensions between police and the community, published by The Austin American-Statesman in January. Police were found to be twice as likely to use force against African Americans as against whites, and 25 percent more likely to use it against Latinos than whites.

Out of the 6,447 reports filed, only one showed a supervisor suggesting that an officer did not follow procedure, according to the newspaper, and just eight officers received additional training. Another 14 officers were counseled by supervisors about their use of force, but it was not known if they received further training.

Of the 10 officers who filed the most reports, only one has ever been questioned or disciplined, police records show.

Police Chief Stan Knee said that while he would have analyzed the results differently, he would not contest the newspaper's findings, which he called "disappointing." Knee went so far as to stake his job on making significant improvements in the department's strained relationship with the minority community.

"If I can't regain the trust of the entire community, people won't have to ask me to resign," he told The American-Statesman. Regardless of how one analyzes the numbers, Knee said, "the end result is that we need to do a better job giving our people training and better equipment in order to decrease the likelihood that use of force will be employed."

During the past five years, 11 people — all but one of them black — have died after confrontations with police. Those who died came to the attention of police for a variety of reasons, according to the newspaper. All



Austin Chief Stan Knee: "If I can't regain the trust of the entire community, people won't have to ask me to resign."

11 had ignored commands to stop, had attempted to flee, or resisted arrests. Nine of them had criminal records; two had firearms. Seven were reportedly drunk or high when they encountered police.

Adding to the department's community relations debacle have been two separate shootings of minority residents by white officers in a 12-month span.

One of the victims, Sophia King, had a history of mental illness. She was shot by Officer John Coffey in June 2002 after police say she threatened the apartment manager of her public housing complex with a knife.

The other, Jesse Lee Owens, was behind the wheel of a stolen car the following June when he was shot five times by Officer Scott Glasgow. The officer said he had been caught in the door of the vehicle.

In an unprecedented move, a Travis County grand jury indicted Glasgow in October on charges of negligent homicide. Those charges, however, were subsequently

dismissed by a judge.

Coffey was cleared by a grand jury of any wrongdoing in King's death.

None of the officers involved in the 11 deaths since 1998, including Glasgow, were reprimanded for their actions, according to internal affairs records.

Since then, the department's relationship with the city's minority community has been strained. Knee pledged in January that if he could not restore relations to where they were before King's death, he would quit.

At the press conference at which he tied his job security to improved community

relations, Knee apologized for his policing's treatment of minorities over the years, referring specifically to the Civil Rights movement.

"Historically, local governments have used police departments to enforce laws that were inappropriate, laws that enforce segregation, laws that kept children from attending school, laws that kept people from voting," he said.

Knee said he planned to decrease the amount of force used by officers, although he stopped short of setting a statistical goal. He also vowed to reduce vehicle searches during traffic stops by 20 percent in 2004, and by another 20 percent next year. The department will also expand its arsenal of non-lethal weapons.

The number of use-of-force reports per 1,000 people in Austin still falls well below the national average. In 1999, the last year for which figures were available from the Justice Department, the national figure was 11.5, while Austin's was 2.5 for that year.

Still, Austin generated far more force reports than other large cities. In 2002, there were approximately 2.4 for every 1,000 people in Austin, a city of 665,000. That figure was five times the per-capita number for Cincinnati, a city with its own serious problems with respect to police-minority relations. Police in the Ohio city of 331,000 residents generated an average of 0.4 reports every 1,000 people.

San Antonio, which has a population of roughly 1 million, recorded a rate of about 1 use-of-force report for every 1,000 people during that period.

## U.S., Canada prosecutors swap homes & offices to fight trans-border crime

Just like neighbors swapping homes on television, prosecutors in British Columbia and Washington state are trading places as part of an effort to stem the tide of illegal immigrants, drugs and weapons across the border.

Assistant U.S. Attorney Janet Freeman of the Western District of Washington traded homes and offices for six weeks beginning in March with her counterpart in Canada, Robert Prior, director of the Federal Prosecution Service in Vancouver. It is the first exchange of its kind, said U.S. Attorney John McKay.

The project was designed so that prosecutors could gain a deeper understanding of the procedures used by both governments.

"Now that I'm here, I'm understanding what the Department of Justice in Canada requires to move along these witness requests," said Freeman. "Hopefully, I can take a message to the prosecutors in my office, bring back helpful suggestions and ideas" on how to seek help from Canada.

Prior said that he had no doubt that when Canadian authorities needed assistance from

the U.S. Attorney's office in Seattle, they would get it.

Canada could benefit, he said, from the information provided by people picked up in the U.S. with large amounts of contraband. "What the exchange is working toward is making sure those people don't slip through the cracks," Prior told The Associated Press.

A number of cases are currently being investigated jointly by Canadian and American authorities, including the use of drug smuggling by Islamic fundamentalists as a fundraising tactic, according to criminal justice sources cited by The Seattle Post-Intelligencer.

Another problem, Prior and McKay said in a statement, is the high-potency marijuana grown in British Columbia called "B.C. Bud" that has been trafficked into the United States.

Criminals think they can commit offense in one country, then flee to safety over the border, said Prior. "What we want to work toward doing is take away that feeling of being safe to commit crimes in one country and abscond to the other," he said.

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# Atlanta underreporting has deep roots

Continued from Page 1

spawned an attitude within the APD that creating a false perception of crime incidence was expected.

Nearly half of the 1,000 officers who responded to a confidential survey said they believed crime reports are routinely changed to downgrade incidents, the consultants' report stated.

"In fact, until last year's audit discoveries, the APD continued to underreport crime by making no concerted efforts to manage crime reporting or ensure crime incidents were properly classified and recorded," it said.

This would not be the first time that an audit found the Atlanta department to have downplayed its crime statistics. In 1999, a review of crime reports from 1996 found a statistically significant percentage of rapes, robberies and auto thefts to have been improperly classified as unfounded (LEN, Feb. 28, 1999).

That audit was prompted by allegations by then-Deputy Chief Louis Arcangeli that Chief Beverly Harvard and other top police officials were pressuring police to underreport crime.

A team of 13 auditors from the Georgia

The department may have violated internal rules as well as state law by not investigating and processing rape reports, he asserted. In addition, physical evidence was not always forwarded to the Georgia Bureau of Investigation, according to Arcangeli. A May 2000 rape of a 14-year-old girl was set aside in a secret file for months, he charged.

Based on that letter, Pennington launched a probe in December 2002, less than six months after assuming command. An internal audit found 34 cases of alleged sexual assault from 1999 and 2000 which had not been investigated but were instead put in a secret file. What appeared to link the alleged victims in those cases was the detectives' belief that the women were untrustworthy. This was particularly so if the victims were homeless or prostitutes.

As a result of the inquiry, Steele was transferred, first to the Office of Professional Standards, and then, following a public outcry, to another unit. Jackson has since retired and is now an investigator for the Fulton County District Attorney's office,

which is handling the probe. How that conflict of interest will be resolved has not yet been determined, said District Attorney Paul L. Howard Jr.

Some 14 boxes of documents were delivered by the department to Howard's office in March. Among the materials uncovered was a stack of 8-by-10 inch color photographs that show women who had been battered and bruised.

An article by The Atlanta Journal-Constitution last June that relied on files sent to by the department after the names and addresses of victims had been deleted found no arrests made after interest in the unreported cases was renewed. Investigators spoke again with only seven of the victims, the newspaper said, and in only half the cases where DNA evidence had been collected was it sent for analysis.

Arcangeli retired in December after 28 years on the force. Before leaving, he regained a measure of his career when Pennington named him Zone 5 commander. Among the recommendations made by

the report from Linder & Associates was that the city increase salaries and hire more officers. To that end, Mayor Shirley Franklin said she wanted to increase wages by 40 percent and hire more than 500 additional sworn personnel at an estimated cost of \$25 million per year.

The department needs at least 2,000 officers, said Pennington. As it stands now, fewer than 1,500 of the agency's 1,732 sworn positions are filled.

Police salaries need to be a priority, Franklin told The Journal-Constitution. A 40 percent increase would make the APD one of the best paying departments in the country. As it stands now, when a cost-of-living difference is factored in, Atlanta ranks 122nd in the nation in police pay; it ranks 156 out of 200 if not adjusted for cost of living, according to PolicePaynet.

The starting salary for an APD officer is \$32,783, while in adjoining DeKalb County, officers start at \$34,428. The top pay there is \$57,000 for patrol officers, compared to just \$44,000 in Atlanta.

## NYS motor-vehicle agency tries to spot fraud in database comparison

Continued from Page 1

in this information age when we know that computer security is breached frequently," she said in an interview with Law Enforcement News.

Collins is director of the Identity Theft University-Business Partnership, a group that investigates criminal use of the Internet, as well as workplace and white-collar crime. By trying to corroborate data with the Social Security Administration, she noted, New York State is assuming that Social Security's records are accurate.

A better way would be to get all the supporting documentation up front when issuing licenses, but in lieu of that, she told LEN, the DMV would have to ensure the validity of the data in the SSA database.

"If you could ensure that that data is in fact accurate, it would probably be a legitimate thing to do if you have a good reason to do that," said Collins. "But without considerable personnel security over who is managing the data, and who in the SSA has access to the data and all that, I can't imagine anyone in their right mind even thinking of such a thing."

In the past 18 months, federal and state authorities have broken up a number of significant identity-theft operations.

Three men were charged in November 2002 with allegedly stealing credit card information in what prosecutors called the largest identity theft in U.S. history. James Comey, then the U.S. Attorney for the Southern District of New York, pegged the losses at \$2.7 million. As many as 30,000 people had their credit information stolen by a gang that was led by a help-desk worker at a computer software firm that provided banks with computerized access to credit information databases.

A University of Texas student was charged last year with stealing the names and Social Security numbers of 55,000 students, staff and faculty. Christopher Andrew Philips, 20, was charged by federal prosecutors with unauthorized access to a protected computer and using false identification with



*In light of problems with the Social Security database, identity-theft expert Judith Collins questions why would "anyone in their right mind" would think of comparing its information to motor-vehicle records.*

intent to commit a federal offense.

Millions of dollars worth of computers and other electronic merchandise were purchased by a network of conspirators using personal information they pilfered from the New York State Insurance Fund and other agencies, according to state Attorney General Eliot Spitzer's office. The investigation culminated in 2002 with an indictment against Henry Cutts, a 48-year-old Bronx man who is believed to have masterminded the scheme.

Another point to consider, said Collins, is that if a computer database can be hacked into to steal information, information inside it can also be changed by the hacker.

"We know of Social Security records that have been all mismanaged for people," she said. "On those records, addresses have been changed — all kinds of information." Once a database has been breached, all the data in it is then arguably suspect, said Collins.

The New York DMV initiative also raises the specter of a potential surge in the number of people, particularly illegal immigrants, who will continue to drive even with a suspended or revoked license.

Michele Waslin, a senior immigration policy analyst for the National Council of La Raza, a Latino civil rights organization, called

the policy a "public safety issue." She told The Times: "If they're working, if they have to go to school, if they have to go to the hospital, they have to drive and it's in the public interest that they be licensed and insured drivers."

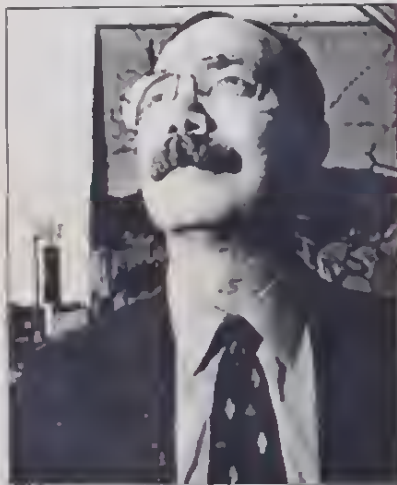
The New York State Police is apparently not concerned.

"I would imagine most people would take care of the discrepancy," Lieut. Glenn Miner told LEN. "It's not like they're going to be driving around, unbeknownst to them that they are suspended."

More to the point, Miner noted, there are any number of reasons why someone would have a suspended license, including a failure to pay child support.

The policy requiring a Social Security number in order to get a license was added in most states in 1996 when the government overhauled welfare. New York's DMV began requiring it two years ago.

"We stop people for traffic violations; we're not driving around looking for suspended licenses," Miner said. "There's no way to know that. If we stop somebody for a traffic violation and it comes up suspended, it happen quite often, but it's not going to necessarily increase the number of stops we make."



**Louis Arcangeli**  
*Exposing a numbers racket*

Crime Information Center looked at 20 percent of all crimes provided for the years 1995 through 1997. Comparing the 1996 figures with those from the prior year and the one that followed, they found an error rate of 25.6 percent for that year — more than double the rate found for 1995 in murder, rape, robbery and auto theft.

In all, state auditors found a total of 652 robberies, rapes and car thefts that were submitted to the FBI's UCR section as unfounded, without meeting the guidelines for such a classification.

Among the more disturbing facts found by auditors in 1996, and more recently by an internal investigation launched by Pennington, was the classification of sexual assaults as unfounded when the victim proved to be uncooperative.

In 2001, Arcangeli, who by then had been demoted by Harvard to the rank of captain and assigned to the Identification Unit, again blew the whistle on alleged underreporting. He wrote a letter to the head of the department's Office of Professional Standards, in which he accused Harvard, Deputy Chief Carter B. Jackson, then the head of criminal investigations, and Lt. Terrence Steele, who supervised the Sex Crimes Unit, along with others, of "refusing to accept, process and investigate" rapes.



# Higher ed for Mass. cops may face a different future

Although Massachusetts' oft-criticized Quinn Bill, which is aimed at encouraging police to pursue higher education, was significantly overhauled last year by the state Board of Higher Education, lawmakers are apparently not done recasting the 34-year-old program.

Legislation introduced by Senator Robert A. O'Leary, a Barnstable Democrat, would require police recruits to have either a bachelor's degree or an associate's degree and an honorable discharge from the service before entering the police academy. O'Leary's proposal would effectively phase out the Quinn Bill, but would grandfather in all current police officers to continue receiving educational benefits.

The state Secretary of Public Safety would be authorized to grant temporary exemptions to police departments that are unable to recruit a sufficient number of applicants who meet the educational requirements of O'Leary's bill.

The Quinn Bill, enacted in 1970, provides raises of up to 25 percent to those who earn a college degree while on the job. But the \$100-million-a-year program has come under attack in recent years as officers were found to have obtained degrees based on such questionable grounds as life experience and completion of required law enforcement training.

Prompted by criticism of the approved Quinn Bill programs, the Board of Higher Education last year instituted a strict new curriculum and tougher testing standards. It did away with "life experience" credits and required that colleges hire more professors with advanced degrees in criminal justice or a related field.

Of the 80 college and university programs that had offered the Quinn Bill incentive before the overhaul, 48 have reapplied, and just 22 have been approved. Among those that met the new standards this year were the programs at Northern Essex Community College, Salem State College and Endicott College in Beverly.

"The single most important skill a police officer needs is critical thinking," said Paul Bevilacqua, the vice president and dean of academic affairs at Northern Essex, told The Boston Globe. "The person making some of the most important decisions on a day-to-day basis is the patrolman. These guys and women make the first decision on when to make an arrest and how to make an arrest. If they don't do it right,

the case gets thrown out of court."

O'Leary's proposal to raise entry level standards has run into heated resistance from both police and some fellow lawmakers.

Representative Jeffrey D. Perry, a former Wareham officer who earned a degree from Curry College under the Quinn Bill, railed against the bill at a public hearing, saying that the requirement would exclude an entire class of people who would make excellent officers.

"Requiring an associate's degree on top of military experience is overburdensome," Perry, an East Sandwich Republican, told The Providence Journal. "People who are willing to serve their country are certainly qualified to become officers and should be honored and encouraged to do so."

Another lawmaker, Representative Michael F. Rush, D-West Roxbury, also sided against O'Leary's bill, which he said would discriminate against those who cannot afford college.

"As a history teacher, I have had many high school students who go on to become police officers without a bachelor's degree," said Rush. "They come from economically disadvantaged, working-class neighborhoods."

Many of these individuals, he said, will go on to take advantage of higher education through the Quinn Bill once they join law-enforcement agencies.

And some will not, noted Officer Ray McGrath, legislative director for the International Brotherhood of Police Officers. O'Leary's bill was not about educating officers, he said. Rather, it is a means of abolishing funding for "hardworking police personnel."

If the state were to stop funding the Quinn Bill program, he told The Journal, local communities would have to pick up the tab.

But O'Leary argued that a broad education was necessary to meet today's demands on law enforcement personnel.

"To expect some 18-year-old to come out of high school and deal with the complexity of issues officers face is simply out of touch with reality," he said.

O'Leary stressed that his bill would not affect those already receiving salary benefits under the Quinn program, nor would it affect collective bargaining agreements.

## Chicago cops are fighting back against false claims by motorists

Filing suits against motorists who have brought false claims against officers is one of two steps the Chicago lodge of the Fraternal Order of Police has taken in recent months to try and reduce the number of frivolous complaints made against its members.

In two separate incidents, officers issuing citations were accused of being either drunk or under the influence of drugs. Tests revealed neither, according to the FOP.

"What happens is these officers are put through a barrage of tests to identify whether any of the allegations have validity or not," Mark Donahue, president of the FOP lodge, told Law Enforcement News. "In both cases, everything came back zeros."

Another two officers won a judgment this year against a man who allegedly lied when he said they had sodomized him with a baton. Frederick Mason Jr. was sued for malicious prosecution following a \$20,000 settlement that was awarded him by the city to settle his own lawsuit. While acknowledging that his case was completely without merit, the city's Law Department said it was settled for its "nuisance value."

The officers each sued Mason for \$5,000. A judgment was entered against him; he has since left the state.

Donahue said the suits are not being filed by the FOP itself, but rather at the recommendation of the organization. But officers, he said, are becoming more cognizant of the fact that they need to take action against false allegations.

The FOP is currently at odds with the city over the Uniformed Officers Disciplinary Act, a state law enacted Jan. 1 that contains a provision requiring all those who make a complaint against an officer to sign a sworn affidavit. Municipal officials, however, claim the law does not apply to Chicago, where police are covered by their collective

bargaining agreement.

While the law does state that issues covered by that contract are not applicable, officials "are casting an extremely broad net," said Donahue.

"All the means by which to lodge a complaint against an officer are not covered in our collective bargaining agreement," he said.

The FOP took the matter to court on Jan. 5 when it supported four officers who sued the department because people who made claims against them were not required to sign sworn statements.

Lori Lightfoot, a former federal prosecutor who heads the police department's Office of Professional Standards, told The Chicago Sun-Times that her office would not agree to a process that "essentially abrogates the collective bargaining agreement."

She also took issue with an assertion by the FOP that complaints are often bogus, filed to bolster suits against the city or to persuade prosecutors to drop criminal charges.

"That historically has not been true," Lightfoot said. "All you have to do is look at the people coming in with real injuries."

Donahue said the FOP's intention is only to lessen the number of frivolous complaints, not to dissuade those who have legitimate cause for action.

"The reason we went forward with this legislation was at the behest of local district commanders and also at the behest of civic groups in minority communities because what they saw happening was the more aggressive, proactive officers in these districts were being removed from their details based on the sheer number of complaints, not the validity of the complaints," he said.

## Deputies disconnected on wiretap powers

The Pennsylvania Sheriffs' Association has vowed to appeal a ruling by the Commonwealth Court which held that deputies, given their limited law enforcement powers under state law, are not authorized to conduct undercover wiretap operations in the same fashion as police officers or investigators.

"In this time of homeland security and with law enforcement stretched to the limits, we certainly don't want to let something occur that may take more officers off the street," Centre County Sheriff Denny Nau, the association's president, told The Associated Press.

The decision in *Kopko v. Miller*, handed down in February, stemmed from a case involving five deputies from Mercer, Bradford,

Warren and Cumberland counties who applied last fall for permission to take a wiretapping course sponsored by the State Police. While many of the counties do not want their deputies to be certified because of manpower

**"Respect" for sheriffs doesn't translate into a legal basis for enforcing a wiretapping law.**

issues, those who do work closely with their district attorneys on drug cases, Nau noted in an interview with Law Enforcement News.

When the deputies' applications were rejected by the State Police, four sheriffs, five deputies and three district attorneys filed suit, arguing that broad common law authority gave the office the power to enforce the provisions of Pennsylvania's Wiretap Act.

Three state supreme court cases, the plaintiffs asserted, held that deputies may make arrests for motor-vehicle violations they have personally witnessed; conduct field-sobriety tests, and file a driving-while-suspended charge based on secondhand information.

But the court rejected that argument. Taken together, the cases give sheriffs only two narrow law-enforcement functions: warrantless arrest for motor vehicle violations, and filing citations for summary offenses, said Judge Robert Simpson, who wrote for the seven-member panel.

"We're appealing to the supreme court because the supreme court has in these three cases has sort of upheld and been very supportive of the sheriffs in our long history," Nau told LEN. "We've actually had a history that the commonwealth court has not viewed our position the same way as the supreme court."

Attorney Vincent J. Grogan, who represents the sheriffs, said he expected their position — that common law authority has translated into broad police powers — will be sustained.

In the commonwealth court ruling, Simpson also held that wiretap authority has traditionally been granted under statutory rather than common law. The job of the modern sheriff, he said, has more to do with court-related functions than peacekeeping.

"Judicial respect for the important professional work of sheriffs is profound," Simpson wrote. "This respect, however, cannot supply a legal basis for sheriffs to enforce the Wiretap Act which does not otherwise exist."

Only investigators or law enforcement officers may use wiretaps or electronic surveillance under the provisions of the act. Such officers are defined as those who are "empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter."

In a brief filed with the court, State Police Commissioner Jeffrey B. Miller argued that this description does not fit sheriffs, who lack the authority to investigate or make arrests for the statute's predicate offenses, including violations of the Tax Reform Code, Crimes Code and drug statutes.

"For these reasons, sheriffs' common law authority to make warrantless arrests for offenses committed in their presence is no source of authority to enforce the Wiretap Act," said Simpson.



# Problems still linger with Megan's Laws

More than a decade after the passage of Megan's Laws and related civil commitment statutes, states and localities are still struggling to balance the rights of the community with those of convicted sex offenders who must have someplace to live when they are released back into society.

In March, the state of Iowa appealed a federal district judge's decision that struck down a two-year old law banning sex offenders from living within 2,000 feet of a school or child care center. Judge Robert Pratt ruled that the law would effectively banish offenders from 30 percent of the towns in the state, and thereby unconstitutionally infringe upon the plaintiffs' due-process rights under the 14th Amendment.

The statute also violated the Fifth Amendment, Pratt said, by forcing those living in violation of it to provide incriminating testimony against themselves. Pratt added that the law was unconstitutionally applied retroactively, as well.

"I don't know where Judge Pratt lives, but I doubt there are any sex offenders in his neighborhood," said Chris Rants, a Sioux City Republican who is Speaker of the Iowa House. "Obviously, the Legislature will have to revisit it."

The law was among the strictest in the nation before being challenged by the Iowa Civil Liberties Union. It was based on an Alabama statute that also requires sex offenders to live at least 2,000 feet, or five blocks, from schools and child care facilities.

Similar laws in Kentucky and Indiana ban offenders from a 1,000-foot radius, and in California, the law states that they cannot live within a quarter-mile of an elementary school.

Municipal officials in a number of California cities are having new problems trying to reintegrate into the community sex offenders who have completed a two-year program for violent sexual predators at Atascadero State Hospital.

Under a 1996 law, authorities may commit predators to mental hospitals for up to two years after they served their prison sentences. When they are judged to be no threat to the public, they may be conditionally released. If

no community will accept them, however, the validity of the law becomes open to challenge.

During a two-month period beginning with his release in February, 33-year-old Cary Verse, a four-time convicted sexual offender, was forced to move five times due to community outrage at his presence.

Verse began his string of sexual assaults when he was 17. He is the second of 430 offenders waiting to be released from Atascadero. The first, Brian DeVries, was moved in desperation to a trailer on prison grounds after the state Department of Mental Health was unable to find him housing. A Santa Clara County judge had threatened to unconditionally release him if he could not be placed.

In March, the owner of a San Jose motel told Verse that he would have to leave when his rent came due the following month. Although protests against the motel had died down, owner Sharline Reid said she feared city officials would crack down on building code violations as a way of removing Verse.

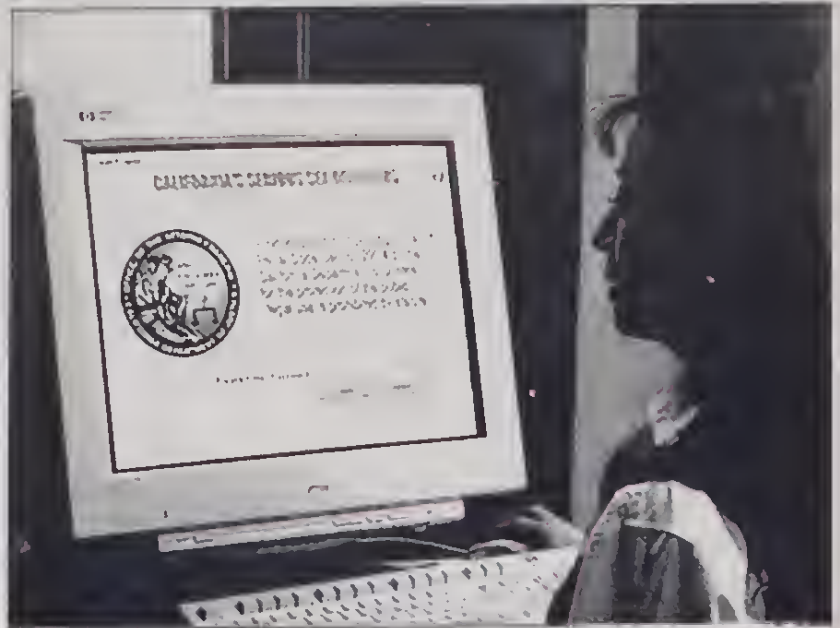
On the contrary, said San Jose Vice Mayor Pat Dando. Municipal officials are trying to work with state officials to fix what they consider a failed system.

"The system is broken — it's a mess," Dando told The San Francisco Chronicle. "We know that there are another 400 in this program who are lined up and probably will be released, and we just want to make sure we have a better system for notification and placement."

State officials failed to notify local police when they secretly moved Verse to the San Jose motel on March 15. The action spurred the City Council to pass resolutions demanding policies or laws that ensure community notification before high-level sex offenders are placed in a jurisdiction.

In the past year, California has made improvements in its tracking of sex offenders. An Associated Press investigation in 2003 found that the whereabouts of more than 33,000 offenders were unknown to authorities.

Since then, better recordkeeping has found that 12,000 previously unaccounted-



On-line sex offender databases, such as California's, provide ready access to information, but questions abound as to whether the information is accurate and complete.

for offenders have died, been deported, returned to prison, or moved out of the state. The number that failed to check in with police — 44 percent last year — was down to 33 percent as of Jan. 30, 2004.

One bill that would have required police to visit sex offenders at their homes once a year failed to pass.

"The current 'honor' system of having sex offenders check in with local law enforcement has proven itself ineffective in tracking sexual predators," asserted the legislation's sponsor, Democratic state Senator Dean Florez.

In Framingham, Mass., an amnesty system that would have allowed convicted rapists and pedophiles who had not registered with police to do so without fear of arrest was deemed a failure.

Of the 62 known unregistered offenders, none took part in the program.

"There's a substantial number of hours going into trying to find them," said Lt. Lou Griffith, a police department spokesman,

told The Boston Globe. "It is incumbent upon them to come in and register with us. We had hoped to make their lives and jobs easier through this program, but no one took advantage."

Police will now adopt a more aggressive approach that includes canvassing neighborhoods. A computer program that is currently under development would map out the location of Level 2 and Level 3 offenders. While the map would not mention the offenders by name, it would show where they reside, making it useful to school officials and parents, said Griffith.

The amnesty program was launched for a three-week period beginning Feb. 22. It was modeled after an initiative rolled out last December in Boston that granted a weeklong amnesty to sexual offenders. Approximately 95 of the city's 800 offenders registered during that period, according to Boston police.

U.S. Senator Byron Dorgan, a Democrat from North Dakota, has proposed that a national Internet site be created to alert those who live in communities bordering other states to the presence of sex offenders in their area.

"If you're living in an area where you're around the corner of three states, you're only going to get the state in which you request the information," he told The Associated Press.

Under other provisions of Dorgan's proposal, prosecutors would be notified when high-risk offenders are due to be released so they could prepare for civil commitment proceedings, and dangerous offenders would be monitored by states during their first year outside of prison.

Another proposal, by Illinois state Senator Kirk Dillard, a Hinsdale Republican, would require sex offenders to annually update their photo on the state's Web site. The penalty for failing to register with authorities would also be increased, to a minimum of two years in prison.

State Attorney General Lisa Madigan said the proposed changes would help prevent situations such as the one involving a 37-year-old man who was still using a picture taken when he committed the crime at age 17 — despite having lost much of his hair and put on weight.

## Despite critics, DC cops love the comfort of new battle-dress look

Continued from Page 1

Yet the look has its critics both inside and outside the department. Some think it is too casual, even sloppy.

Former D.C. chief Isaac Fulwood Jr. told The Post that he felt the old-style uniform looked more professional.

Peter Kraska, a professor of criminal justice and coordinator of the criminal justice department at Eastern Kentucky University, believes that the new look symbolizes a shift in police culture and is indicative of the profession's current ideological stance.

Rightly or wrongly, he told Law Enforcement News, it is assumed that policing is a more dangerous occupation today, thus necessitating a more aggressive appearance and style. The uniforms also reflect the blurring of boundaries between those security measures taken by civilian law enforcement and those of the military in the

post-9/11 world, said Kraska.

While the new uniforms are by all accounts far more comfortable than the old ones, there was no reason why the traditional style could not be manufactured in cotton, he noted. "You can't tell me the D.C. police from line officers all the way to executives aren't fully cognizant of what the battle dress uniform represents," said Kraska.

For most segments of the population, the police's new paramilitary style will not seem disconcerting. On the contrary, it will seem comforting, he said.

However, there are those on the far right, the left, and those who have traditionally been on the "receiving end of police power" who will feel uncomfortable if confronted by an officer in a non-traditional uniform.

"I guess it can seem intimidating," said Cmdr Hilton Burton of the 4th Police District. Roughly 60 percent of his officers wear the BDUs, he told The Post.

Ed Phillips, chairman of the public safety committee for the National Association of Uniform Manufacturers and Distributors, said few big-city agencies have gone for the look outside of their special units.

"Do you want a guy who's dressed like an Army Ranger coming up and asking for your driver's license?" he asked. "A lot of people react negatively."

The paramilitary look would also seem to clash with community-policing efforts, noted Kraska. In Richmond, Ky., he noted, local police will show up for basketball games as part of a community-policing effort in Humvees, wearing lace-up boots combat boots and full battle-dress uniforms.

"I think there is a certain contradictory message there: 'We're going to link up with the community, to break down the 'we-they' barrier, yet we're going to distinguish ourselves to such an extent that we appear like soldiers and you are all just citizens.'"



Haber:

# Facing the threat of improvised explosives

By Grant Haber

Pipe bombs and other improvised explosive devices (IEDs) pose a serious threat to federal, state and local government facilities, considering how easily and inexpensively they can be put together. Schools, shopping malls, stadiums and other public places people can freely walk around and through are also potential targets for terrorist attacks.

Protecting people and facilities from terrorist attacks involving explosive devices starts with a basic understanding of a bomb. People must recognize that bombs are usually made to look like everyday widgets; stereotypical bombs are virtually nonexistent. The only common denominator that exists

*(Grant Haber is founder and president of American Innovations Inc., a Spring Valley, N.Y., firm that offers a variety of personal protection and custom surveillance solutions. For detailed information about bomb-resistant trash receptacles, or to watch pre-recorded product testing videos taken from the Energetic Materials Research and Testing Center, visit [www.BombReceptacles.com](http://www.BombReceptacles.com))*

with all explosive devices is that they are intended to explode. For this reason, it is important to suspect anything that looks unusual and to let a trained bomb technician determine what is or is not an actual bomb.

Hard targets, such as airports, government facilities and military bases, have implemented a variety of technologies to increase security at their facilities, including X-ray screening systems, explosive trace detectors and metal detectors, to name a few. In addition, perimeters and security checkpoints are usually established to reduce vulnerability to attacks using explosives devices. Unfortunately, soft targets such as hospitals, schools, shopping



malls and other public places often do not have the same resources to set up perimeters or security checkpoints, thereby increasing their vulnerability to this type of terrorist attack. However, one measure that both hard and soft targets can take is to implement both a physical security plan and a bomb incident plan.

Physical security plans are generally designed to prevent or control access into a facility for the purpose of protecting personnel, property and the building from unauthorized entry, sabotage or other illegal or criminal acts. It is understood that a facility with no established perimeters or

security checkpoints must implement a broader security plan to minimize its vulnerability and mitigate the effects of a terrorist attack.

Bomb incident plans are developed to provide detailed procedures to be implemented during an actual bombing or when a facility has received a bomb threat. The most important element of a bomb incident plan is to create a chain of command or line of authority for the purpose of instilling confidence and avoiding panic. After outlining the responsibilities of each member in the chain of command, a primary command center should be designated along with a secondary command center in the event the primary post is destroyed during the attack. This information needs to be documented, circulated, posted and readily available in adequate quantities. (For additional information on responding to and managing bomb threats or bomb incident planning, visit [www.BombDetection.com](http://www.BombDetection.com), and click on the "Bomb Threats & Security Planning" link.)

While establishing physical security and bomb incident plans are important, testing these plans with periodic scheduled and unscheduled drills can help to determine their range of effectiveness during an actual attack. Drills expose weaknesses within the plans, thus providing the established chain of command an opportunity to make the necessary changes in a calm and controlled environment. Once the appropriate changes have been implemented, test them again, and so forth.

Aside from ongoing drills, periodic awareness-training programs should also be scheduled to reinforce the basics. Simple things could make a difference, like noticing individuals wearing clothes unsuitable for the time of year, observing a person trying to blend into a group that he or she clearly doesn't belong to, or noticing an object protruding from a person's clothing. Other things to look for are persons acting very nervous or sweating profusely, someone repeatedly steering clear of security personnel, an individual walking slowly while constantly glancing over both shoulders, or someone who is running in a suspicious manner.

Without awareness-training programs, these warning signs will most likely go undetected or unreported. Posting clearly visible signs that disclose where and how to report suspicious activity will enable security personnel to gather pertinent intelligence that may thwart an attack and act as a deterrent. These signs should be placed at entrances, exits and throughout the facility.

However, even the best physical security

Continued on Page 14

## OTHER VOICES

### Police shortage

Will the force be with you? If Tulsa police are to continue to be a force to be reckoned with — when it comes to the war on crime — they must have sufficient strength. The department is understaffed and this personnel crisis has led to planned changes that will shake up investigative units, close police substations after hours and could limit public access to police. The changes are part of the Tulsa Police Department's battle to put more officers on the street in spite of a manpower crisis that won't improve until new recruits enter the force in 18 months. The manpower shortage is blamed on officers' serving in the military, injuries, pregnancies, retirements and the city's decision to hold no police academies last year because of budget problems. To shift officers to the street, Tulsa's three police substations... might close outside of normal business hours. The manpower and funding problems, including a lack of overtime pay last year, have prompted some personnel to leave the TPD for more lucrative jobs. The city's first academy since August 2002 starts in July. To reach full strength, the TPD also needs a full academy in July 2005 and in 2006. Unfortunately, until then the public will have to live with the effects of lower staffing. Feel safer?

— *The Tulsa World*, May 10, 2004

### Extend the ban on assault weapons

The clock is running out on a 10-year-old federal ban on certain types of semiautomatic assault weapons. Without bold action by President Bush, the common-sense law likely will expire in September. Bush has said he will sign a bill to extend the ban if Congress approves one. But that's unlikely without his strong backing, and he knows it. A strong majority of Americans support the ban on the manufacture, transfer and possession of 19 types of assault weapons. So do the National League of Cities, the U.S. Conference of Mayors, the National Education Association, the American Bar Association and many other organizations. They support it because it makes sense. Seattle Police Chief Gil Kerlikowske is one of hundreds of law-enforcement leaders who back the ban. He says such weapons serve no legitimate purpose for people who aren't police. He's right. These weapons aren't necessary for hunting or self-defense. They are for drug dealers, gang leaders and other criminals. They don't belong on America's streets. The ban isn't perfect. Manufacturers can too easily get around the law by altering their weapons. Still, the fight to keep the ban in place is worth it. And it will be a fight. If the ban expires Sept. 13, the country could once again manufacture and import

these military-style weapons. We don't need them. President Bush has said he supports the ban. It's time for him to start acting like it.

— *The Seattle Times*, May 4, 2004

### They got involved

Lois Rodgers is a hero. So is Art Ledger. So are the eight or so others who formed an impromptu street militia last week to orchestrate the citizens arrest of a man who police say had raped an 84-year-old woman and burglarized her home. Rodgers, a Cleveland native who lives in West Virginia, saw Louis Rivera, 27, leave the woman's house with his pants unfastened. Disregarding her own safety, she grabbed the man and held on to him, even as he dragged her into an alley. That's when the neighborhood came to the rescue, as Ledger and others detained the suspect until police arrived. Police routinely advise against citizens taking the law into their own hands, and that advice is usually sound. But in this case, Rodgers could not stand still and watch what she believed to be a horrendous crime unfold. Neither could other onlookers. Thanks to neighbors who acted to protect one of their own, prosecutors now have a good suspect. And what those citizens did fits the description of a good neighborhood.

— *The Cleveland Plain Dealer*, May 5, 2004

### Keep chief search local

The Madison Police and Fire Commission is close to making a decision about how to conduct the search for a new police chief. The approach taken so far by the commission has been a good one. They've sought a good deal of outside input, conducting hearings with key stakeholders and reaching out to the broader community. But now the commission faces a difficult test. It will have to decide whether to keep the search local or conduct a broader, and more expensive, national search. The commission has, in the recent past, had a habit of passing over qualified local applicants and hiring from far afield. Sometimes it has worked, sometimes it hasn't. In the search for a new police chief, there is no need to go national. The Madison Police Department has some of the ablest public safety professionals in the country on its staff, and several of them are interested in the chief's job. They are on the cutting edge of modern police work and they already know the community. If the Police and Fire Commission keeps the search local, as they should, it will not be a parochial decision. The best prospects in the country are already here.

— *The [Madison, Wis.] Capital Times*, April 30, 2004

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.



# An ounce of prevention for handling IEDs

Continued from Page 13

plans, bomb incident plans and awareness-training programs cannot protect a facility from an extremist or terrorist planting an explosive device inside a public mailbox or trash receptacle. For this reason, public mailboxes are either being removed completely or being strategically placed at safe distances away from areas where large groups of people pass or congregate. Trash receptacles, though, cannot be as easily removed or strategically located because of their waste management function, which is why they are recognized as one of the easiest places for a terrorist to conceal a bomb in a public or private facility.

Trash receptacles can easily hide explosive devices and actually become part of the attack by spraying shrapnel and fragmentation over great distances. It must also be understood that a terrorist attack utilizing ordinary trash receptacles and remotely activated or time-delayed explosive devices can be easily coordinated to strike multiple places simultaneously or in stages, without exposing the terrorist.

To reduce the threat to public safety and facility security created by ordinary trash receptacles, bomb-resistant garbage cans are being deployed nationwide. Designed to look and function like the ordinary trash cans found at malls, airports and stadiums, these garbage cans were designed to eliminate all horizontal fragmentation resulting from the detonation of an explosive device within.

The U.S. Department of Homeland Security has not yet created a formal testing standard for this new antiterrorism technology. Consequently, agencies and corporations that are considering bomb-resistant trash receptacles for their facilities must exercise good judgment when purchasing this technology. In order to regain and maintain an edge over the terrorist, purchasing entities should not publicize in a solicitation or Request for Quote the amount of explosives their bomb receptacles are required to withstand (explosive containment rating). Doing so may enable the terrorist to defeat the technology by simply placing a larger size bomb inside the receptacle. The future deployment locations of this antiterrorism technology should also not be publicized, as doing so could result in the terrorists planting their bomb inside of something without any force protection, or possibly even planning a more significant attack, such as a car bomb.

It is equally important for all customers to know what they are purchasing. Understanding how a bomb receptacle was tested to ensure its reliability during an actual terrorist attack is vital for public safety and facility security. Since one cannot control where an explosive device will be placed within a trash receptacle, bottom center, sidewall weld seam, sidewall opposite weld seam, and midpoint center detonation tests should all be conducted to determine the actual amount of explosives a particular bomb receptacle can withstand. This amount of explosives is referred to as the explosive containment rating.

During testing, it is essential to anchor all bomb receptacles to a steel and concrete slab in order to create a real-life deployment scenario. Tests conducted on a dirt surface are misleading because the majority of the blast energy will be absorbed by the ground instead of the receptacle. Testing bomb receptacles under parameters equivalent to

***Trash receptacles are recognized as one of the easiest places for a terrorist to conceal a bomb in a public or private facility.***

how they will actually be deployed will increase their reliability during an actual attack. It is important to also understand that during an actual terrorist attack a bomb receptacle could tip or roll and gain a tremendous amount of momentum, endangering anybody in its path. That is why it is crucial to anchor bomb receptacles both during testing and upon actual deployment.

Before purchasing bomb-resistant waste receptacles, it is important to obtain an official test report that confirms how the product was tested and ensures an accurate explosives containment rating was obtained. The report should originate from a recognized U.S. testing facility and should include the type of explosives used, how the

explosives were packed and what the explosives were packed inside of, and must confirm that an equal explosives charge was used for every test. Be certain the test report incorporates close up post-detonation photos and is accompanied by the actual video footage taken from the testing.

If there is one point that can never be overemphasized, it is the value of preparedness. During an actual terrorist attack involving an explosive device, it is essential to leave the crime scene immediately, moving to an open space or protected area. Do not form or join a crowd because there may be additional explosive charges around. To the best of your ability, avoid tall buildings, glass windows, vehicles and additional garbage

cans. Once you have reached a secured area, call 911 if police forces have not yet arrived. If there are already police forces at the scene, follow their instructions so they can secure the area and do their job effectively.

After a terrorist incident involving an improvised explosive device, it is important to remain clear of the crime scene. Don't be fooled if there hasn't been a secondary explosion for a short period of time and the area is occupied by police, fire and rescue workers, because there could still be additional bombs a short distance away. If possible, move vehicles out of the area to make way for fire and rescue vehicles. Remain aware of your surroundings and be certain to report any suspicious activities, objects, individuals or vehicles you remember or notice before, during or after the incident. Even the most trivial piece of information may result in the apprehension of a suspect or the prevention of an additional attack, so never prejudge information, and always report it.

## Should police prosecute traffic tickets? In Maine, it's a split verdict

Giving police the authority to prosecute — and even downgrade — traffic tickets may work for some localities in Cumberland County, Maine, but the police chief in the county's largest jurisdiction is arguing against the new policy on the grounds that it places officers in a compromising position.

As of May 1, police assumed the responsibility for prosecuting traffic tickets in Portland District Court, the busiest court in Maine.

Cumberland District Attorney Stephanie Anderson said that her office simply cannot handle the workload, given state budget cuts.

"The legislature made a policy decision: If things get stressed in district attorneys' offices, the first thing to go is traffic court," she told The Portland Press Herald. "Sometimes we don't have enough people for all the courtrooms we're supposed to be in at once."

Anderson's office has two fewer prosecutors than it did last year, and another two are on extended leaves of absence. Even if those positions are restored, she said, there are better uses for prosecutors and the law-school interns who assist them than toiling in traffic court.

While there may be more people trying to fight their tickets at first, eventually the new policy will speed up the way cases are handled, Anderson maintained.

That sounds right to Brunswick police Cmdr. Don Goulet, who supervised his department's traffic court program when it was launched four years ago. From a docket sheet four to five pages long with 25 cases on each, the figure has fallen during that period to only about 50 cases per month.

Part of the reason for the decrease, he told Law Enforcement News, is that people were more willing to go to trial when they believed that the officer had not shown up. If the officer is unavailable, the case is automatically discharged. Now, a judge tells them that if they want to go to trial, the officer will be called in.

"We're not going to call them in till you know what you want to do," said Goulet. "Once they would hear that from the judge,

that I wasn't just saying something to make it sound good, a lot of them would just plead. And then we got a reputation — our officers show up."

Another factor is that the court, too, has a reputation. Unless a motorist has an awfully good excuse, said Goulet, he or she will be found guilty.

"In talking to other courts from around here that weren't doing this, that were still

***"I don't think it's appropriate for police to take over a prosecutorial role."***

Portland Chief Michael Chitwood

doing the traditional traffic [court], they were still seeing five or six pages of docket for traffic," he told LEN.

Having police prosecute traffic tickets also allows the district attorney's office to focus on criminal matters, said Goulet. And it puts the onus on officers to make sure they have "their facts in a row," he said. "They're the one prosecuting the case so if they mess up, they're the ones that lose it. They can't blame it on the D.A. or someone else."

The idea of letting police prosecute traffic violations was hatched 10 years ago by West Bath District Court Judge Joseph Field. Under the rules for his court, an officer only has to show that most evidence supports the prosecution's case. Speed clocked on the radar is assumed to be accurate, and the person must plead guilty before being allowed to make his or her case before the judge.

While the judge has authority over fines, a charge can be lowered by the officer — acting as prosecutor — in exchange for a guilty plea. A reduction of just one mile per hour on a speeding ticket can translate into \$50 less in penalties.

"If the officer misses something basic, then the defendant is found not to have committed the offense and goes free," Field told The Herald Press. "All it takes is one or

two of those times and the officer learns it better."

But the practice has a staunch detractor in the person of Portland Chief Michael Chitwood, who insists that it is not the officer's job to prosecute tickets.

Portland, he said, brings in roughly \$600,000 to the state through the 8,000 or so tickets its officers write each year. None of that is returned for any type of traffic enforcement, yet the state is requiring that the department train its officers to act as prosecutors.

"I don't feel it's appropriate for law enforcement to take over a prosecutorial role because there are budgetary cutbacks," he told LEN. "I really don't think that's what we're trained to do and I don't think that that's what we're about."

Aside from the issue of the cost of training officers and supervisors for their new responsibility, Chitwood said he is most disturbed by the potential for unethical conduct. Officers, he said, are put in a position of compromise when they have the authority not only to write the ticket, but to reduce the charge and recommend discharging the case.

"This is my aunt's brother, or this is my mother-in-law who got the ticket, could you go easy? There's no check and balance. If a D.A. or somebody from the legal profession is the intermediary, they can assist in streamlining the court, and if the officer has a suggestion, then it's a suggestion and it's taken by the prosecutors as just that and forwarded to the judge," Chitwood told LEN. "We lose that step that keeps it — in my opinion — fair and ethical."

But Goulet believes that when there is concern about officers dealing away cases because they involve an acquaintance, it is up to the court officer monitoring the proceedings to step in and remind the individual that it would be unethical.

In theory, he conceded, cases could be unfairly discharged under the current system.

"They could say, 'Hey, I'd like to have this dismissed... make up a reason and that could still be done,'" said Goulet.



# Baltimore tries a few new anti-crime tools

While the offenses are the same, the Baltimore Police Department has begun attacking street-level drug dealing and nuisance crimes with new strategies.

In February, police began issuing civil citations for a variety of minor offenses, including spitting, public urination and loitering. The strategy is one that Commissioner Kevin P. Clark, with the backing of Mayor Martin O'Malley, has been pushing for since assuming command of the agency in 2003.

"It's going to be really, really helpful," Maj. John P. Skinner, commander of the Central District, told The Baltimore Sun. "It gives [officers] another tool, and it's pretty efficient."

The fines for violations would range from \$25 to \$500. Tickets could be paid much like

traffic citations are, by either mailing them in or contesting the allegation at state civil district court.

Clark said in an earlier interview with The Sun that his aim was to lighten the heavy caseload in criminal court, and give police an alternative to time-consuming arrests.

According to Kristen Mahoney, director of the police department's grants/government relations sections and of the mayor's Office of Criminal Justice, the city has given police two years to try a new program that will reduce crime. By the end of the year, she told The Sun, the department hopes to increase the 110 officers it now has trained to write the citations to 1,000, depending on its success in the field.

The bill enabling the new strategy was approved by the City Council last August by

a vote of 16-0, but it did not come without controversy. Those in favor claimed it would give police more authority to act on nuisance crimes, while opponents voiced concern that police could use it target juveniles for loitering. There were also questions about its equal application throughout the city [see LEN, Aug. 31, 2003].

Under the ordinance, Clark must submit a comprehensive progress report on the strategy's effect on crime reduction, its fiscal impact and related demographics at the end of 2004.

Undercover drug purchases are another tactic that Clark has introduced in recent months. In the past, officers would watch drug deals and make arrests based on their observations. The buyers would often walk away, and prosecutors would lose a key piece of evidence. Now, police use marked bills to make buys and arrest low-level dealers.

Some 24 undercover officers and 88 other detectives and supervisors in the department's organized crime division currently focus on street-level dealers.

"The tides are turning," said the division's chief, Anthony J. Romano.

More than 6,000 felony drug arrests have been made in the past eight months using the strategy. Felony indictments rose by 28.6

## Into the fray

The Baltimore Police Department used a class of cadets this winter to clear a backlog of some 31,000 minor-incident reports that needed to be entered into a computer database.

Beginning Jan. 12, the 45 trainees worked 24-hour shifts doing data-entry. Previously officers from all nine districts did the work, but that became too time-consuming.

Now, "we can run everything on a daily basis," said Lt. Tom Cassella of the information management and planning unit. "Before we were always playing catch-up."

percent in 2003, to 7,427, compared to 5,776 in 2002. Many of these were the result of undercover narcotics purchases.

Few cases, however, have yet to reach trial. But Salvatore Fili, chief of the narcotics division of the Baltimore state's attorney's office, says that the cases are much stronger. "Your drug buyer is a police officer," he told The Sun. "His whole mission is to go out on the street, find a seller and interact with him, study him the entire time."

## UPCOMING EVENTS

### JUNE

#### 2-4. Research & Practice in Victim Services.

Presented by the American Society of Victimology  
Topeka, Kan.

7-8. Corporate Aircraft Security. Presented by the  
Executive Protection Institute. Chicago. \$390.

7-11. Interviewing Child Victims & Suspects.  
Presented by the Delinquency Control Institute. Palm  
Desert, Calif.

7-11. Crime Analysis Training. Presented by the  
Alpha Group Center for Crime & Intelligence Training  
Puyallup, Wash. \$525

7-11. Criminal Investigative Analysis (Criminal  
Profiling). Presented by the Alpha Group Center for  
Crime & Intelligence Training. Boardman, Ohio. \$525.

7-11. Criminal Intelligence Analysis. Presented by  
the Alpha Group Center for Crime & Intelligence  
Training. Longview, Wash. \$525.

9-12. VIP Protection for Law Enforcement.  
Presented by the Executive Protection Institute.  
Chicago. \$990

16-18. "Master Street Narc" Course. Presented by  
Investigators Drug School. Dallas.

21-22. Assessing Terrorism-Related Risk. Presented  
by the S2 Institute. Clearwater, Fla.

21-23. National Community Policing Conference:  
"Community Policing for America's Future."  
Presented by the U.S. Department of Justice, Office of  
Community Oriented Policing Services. Washington,  
D.C.

21-25. Criminal Investigative Analysis (Criminal

Profiling). Presented by the Alpha Group Center for  
Crime & Intelligence Training. Orlando, Fla. \$525.

### JULY

12. Chemical & Biological Terrorism for Security  
Professionals. Presented by the S2 Institute.  
Clearwater, Fla.

12-14. "Master Street Narc" Course. Presented by  
Investigators Drug School. Houston.

13-14. By the Numbers: How to Analyze Race Data  
from Vehicle Stops. Presented by the Police Executive  
Research Forum. Las Vegas.

18-20. Principles of Protective Services & Detail  
Operations. Presented by the S2 Institute. Clearwater,  
Fla.

19-21. Annual Conference on Criminal Justice  
Research & Evaluation. Presented by the National  
Institute of Justice. Washington, D.C.

20-22. "Master Street Narc" Course. Presented by  
Investigators Drug School. San Antonio.

26-27. Bomb Countermeasures for Security  
Professionals. Presented by the S2 Institute.  
Clearwater, Fla.

26-30. Investigation & Prosecution of Child  
Fatalities & Physical Abuse. Presented by the  
National Center for Prosecution of Child Abuse.  
Chicago. \$250.

28-31. Summer Conference. Presented by the  
Commission on Accreditation for Law Enforcement  
Agencies. Buffalo, NY.

## For further information:

Addresses & phone/fax numbers for organizations listed in calendar of events.

Alpha Group Center for Crime & Intelligence  
Analysis Training, P.O. Box 8, Montclair, CA 91763.  
(909) 989-4366. Fax: (909) 476-8271. Email:  
crimecrush@aol.com. Web: www.alphagroupcenter  
.com.

American Society of Victimology, c/o Joint Center  
on Violence & Victim Studies (785) 231-1010, ext.  
1242. Email: thomas.underwood@washburn.edu.

Commission on Accreditation for Law Enforce-  
ment Agencies. (800) 368-3757. Web: www.calea.org.

Concerns of Police Survivors, P.O. Box 3199,  
Camdenton, MO 65020. (573) 346-4911. Fax: (573)  
346-1414. Web: www.nationalcops.org.

Delinquency Control Institute, 3601 South Flower  
Street, Los Angeles, CA 90007. (212) 743-2497. Web:  
www.usc.edu/dept/spd/dci.

Executive Protection Institute, Highlander Lodge,  
P.O. Box 802, Berryville, VA 22611-0802. (540) 554-  
2540. Fax: (540) 554-2558. Web: www.personal  
protection.com.

Institute for Law Enforcement Administration,  
5201 Democracy Drive, Plano, TX 75024. (972) 244-

3430. Fax: (972) 244-3431. Email: ILIA@cailaw.org.

International Association of Chiefs of Police, (800)  
843-4227, ext. 221, 234 or 268. Web: www.theicop.org.

Investigators Drug School, P.O. Box 1739, Fort  
Lauderdale, FL 33302. Phone/fax: (954) 753-7493

National Center for Prosecution of Child Abuse, 99  
Canal Center Plaza, Suite 510, Alexandria, VA 22314  
(703) 549-4253. Web: www.ndaa-apn.org

National Institute of Justice, c/o Institute for Law &  
Justice, (703) 684-5300. Fax: (703) 739-5533. Email:  
nijpcs@hij.org.

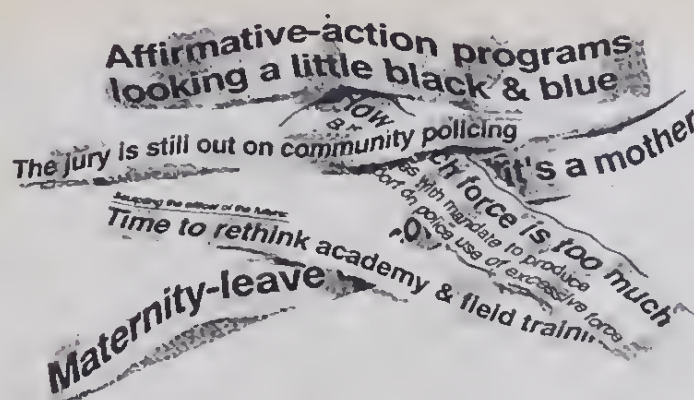
Northeastern Tactical Schools, 8 Kingsbury Lane,  
North Billerica, MA 01862-1820. (978) 667-5591

Office of Community Oriented Policing Services.  
Web: www.cops.usdoj.gov.

Police Executive Research Forum, (202) 454-8328.  
Web: www.percforum.org

S2 Institute, 1261 South Missouri Avenue, Clearwater,  
FL 33756. (727) 461-0066. Fax: (727) 449-1269. Web:  
www.s2institute.com.

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## Law Enforcement News

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## In this issue:

A mismatch: Comparing DMV, Social Security data — a bad idea? **Page 1.**  
 Around The Nation: A coast-to-coast roundup of police news. **Pages 2, 3.**  
 Improving a good thing: Seattle refines domestic-violence response. **Page 4.**  
 That's a wrap: Agreements end federal probe of county force. **Page 4.**  
 "Back in business": Reopening a pipeline of seized-asset funds. **Page 5.**  
 The big bang: Tracing the origins of guns used in crimes. **Page 5.**  
 People & Places: Putting a hurt on Houston policing; man of mystery; field of dreams; making history; \$10-million send-off; goodbye, Madison. **Pages 6, 7.**  
 Short Takes: Easy-to-digest news capsules. **Page 8.**  
 Bigger picture: Tampa expands benefits to cover domestic partners. **Page 8.**  
 Forcing the issue: Use of force is scrutinized in Austin. **Page 9.**  
 Trading places: Why U.S. & Canadian prosecutors swapped homes & offices. **Page 9.**  
 The mighty Quinn: Higher ed for Mass. cops may face a different future. **Page 11.**  
 Disconnected: Pa. deputies lose court case over wiretap authority. **Page 11.**  
 Fighting back: Chicago cops sue those who make false claims. **Page 11.**  
 Balancing act: Problems linger with Megan's Laws. **Page 12.**  
 Forum: The threat of improvised explosive devices. **Page 13.**  
 Split verdict: Should police prosecute traffic cases? **Page 14.**  
 In Baltimore, it's same crimes, new approaches. **Page 15.**

# Next stop for those pesky Atlanta crime reports?



*"The Capital of the New South" confronts its ugly track record of crime underreporting.*  
**Page 1.**

## Fashion statement?

*D.C. cops love their new battle dress uniforms, but some worry that the easy-wear, easy-care look is a bad fit.* **Page 1.**

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## WHAT THEY ARE SAYING:

**"It put up a big sign: 'Drug Trafficking in Utah Pays.' Nobody really realized what had happened until after."**

— Utah state Senator D. Chris Butters, on his successful legislation to roll back a 2000 referendum that had curbed asset-forfeiture funds for law enforcement in the state. (Story, Page 5.)